

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.915 of 2026

Arising Out of PS. Case No.-389 Year-2024 Thana- COMPLAINT CASE - SHERGHATI
District- Gaya

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Md. Samir Alam @ Md. Moshaddil S/O Md. Mokabbil Sah @ Md. Mosadil
@ Md. Mokabbir Shah, Resident of - Chakarsar, P.S.- Chouparan, P.O.-
Dadpur, Dist.- Hazaribagh, Jharkhand- 825406

... .. Petitioner/s

Versus

1. The State of Bihar
2. Gulabsha Khatoon D/O Mustakim Alam @ Mustakeem Alam, R/O Mohalla-
Takaiya, P.s.- Gurua, Dist.- Gaya.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Ms. Laxmi Kumari, Advocate
		Mr. Rupesh Kumar, Advocate
		Mr. Ravikant, Advocate
For the State	:	Mr. Mukesh Kumar Singh, APP
For the Complainant	:	Pintu Kumar Patel, Advocate

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

3 06-04-2026 Heard learned counsel for the petitioner and learned

APP for the State as well as learned counsel for the

Complainant.

2. The petitioner seeks bail, apprehending his arrest,
in connection with Complaint Case No. 389 of 2024, filed for
the offences punishable under Sections 323, 341, 498A and 379
of the Indian Penal Code and Section 3/4 of D.P. Act. However,
cognizance has been taken under Sections 323 and 498A of the
Indian Penal Code.

3. As per allegation, the marriage of the complainant



with the petitioner was solemnized in the year of 2022 and after the marriage, the complainant joined the matrimonial home of the petitioner. However, illegal demand of dowry started and on account of non-fulfillment of the same, she was subjected to torture. One and half years old daughter is also born out of the wedlock, but complainant-wife has been ousted from the matrimonial home.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that the maximum punishment prescribed for the alleged offence is three years and on account of non- working the marriage, this false case has been lodged.

5. It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one in the instant case.

6. It has further been stated in paragraph no.3 of the bail petition that the petitioner has no criminal antecedent.

7. However, learned APP for the State as well as learned counsel for the complainant vehemently oppose the prayer of the Petitioner for bail submitting that petitioner-husband is entered into second marriage and he is not interested to dissolve the marriage also and hence, complainant wants



dissolution of marriage with payment of permanent alimony.

8. Considering the fact that the maximum punishment prescribed for the alleged offence is three years, **this petition is allowed**, directing the petitioner, above-named, to be enlarged on bail, in the event of his arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on his furnishing bail bonds in the sum of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned concerned Court Below, in connection with Complaint Case No. 389 of 2024, subject to the conditions as laid down under Section 482 (2) of the B.N.S.S., 2023 and on the following conditions:

(i) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedent, learned court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(ii) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, learned court below shall cancel the bail bonds of the petitioner.

9. The complainant, if interested to dissolve the



marriage, she has remedy to move Family Court for divorce.

(Jitendra Kumar, J.)

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