

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.574 of 2026

Arising Out of PS. Case No.-28 Year-2025 Thana- MAHILA P.S. District- Bhagalpur

Md. Emtiyaz Son of Md.Abdul Rajak Resident of Village- Habibpur, P.S.- Habibpur, District- Bhagalpur, At present Lalmatiya near Kabirpur Jain Mandir, P.S.- Nath Nagar, District- Bhagalpur

... .. Petitioner/s

Versus

1. The State of Bihar
2. Jinat Daughter of Mahmood Nafak Resident Of Village - Tetri, Ward no. 11, Ps- Naugachia, Dist- Bhagalpur, Wife of Md. imteyaz, Resident of village- Kabirpur near Lalmatiya jain Mandir, Ps- Nath Nagar, Dist- Bhagalpur

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sanjay Kumar Ojha, Advocate
		Mr. Ved Prakash Chandan, Advocate
For the Opposite Party/s :		Mr.Satyendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 02-04-2026 Heard Mr. Sanjay Kumar Ojha along with Mr. Ved Prakash Chandan, learned counsels appearing on behalf of the petitioner and Mr. Satyendra Prasad, learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection with Naugachia Mahila P.S. Case No. 28/2025 registered for the offence(s) punishable under Sections 85,115(2),126(2),352 and 3(5) of the BNS and Sections 3 and 4 of Dowry Prohibition Act.

3. The allegation is of subjecting the informant – opposite party no.2 to various sorts of torture due to non-fulfillment of the demand of the dowry.

4. Learned counsel appearing on behalf of the



petitioner submitted that petitioner is innocent and has falsely been implicated in the present case, being the husband of O.P. No.2/informant. Learned counsel further submitted that marriage is a sacred ceremony but little matrimonial skirmish suddenly erupts into hatred and the parties ponder to reconcile their dispute outside the court. Petitioner has clean antecedent.

5. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail.

6. Having heard the rival submissions made on behalf of the parties, as well as, having perused the allegation made in the FIR and also the fact that the allegation made against the petitioner is not against the society, I am of the opinion that petitioner has, *prima facie*, made out a case to be released on pre-arrest bail.

7. The petitioner, above named, is directed to be released on pre-arrest bail, in the event of his arrest or surrender before the learned District Court within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Naugachia, District, Bhagalpur / Concerned Court in connection with Naugachia (Mahila) P.S. Case No. 28/2025, subject to the conditions as laid



down under Section 482(2) of the BNSS.

8. The learned District Court is directed to verify the criminal antecedent of the petitioner and if it is found that the petitioner is involved in some other cases, as what has been stated in paragraph no.3 of the bail application, this order will automatically lose its force.

9. The learned District Court is directed to take necessary steps to refer the matter for mediation under the provision of Mediation Act, 2023 before the learned Mediator of the District Mediation Center by fixing a date for appearance of the parties to give effect to “Mediation for the Nation 2.0”, so that the parties, who are husband and wife, may settle their dispute amicably and lead a happy married life.

(Purnendu Singh, J)

Sanjay/-

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