

IN THE COURT OF SATYA BHUSHAN ARYA, SESSIONS JUDGE, BANKA

Md. Shamshad Versus State of Bihar

Bail Petition No. 295 of 2026

Date of filing : 22.04.2026

Date of order : 12.05.2026

In the matter of :

*Md. Shamshad son of Md Jalil, aged about 41 years, resident of village Muslim
Amenpur, p.s. Barahat, district Banka*

..... Petitioner

-Versus-

State of Bihar

.....Opposite Party

*Present :- Sri Dhananjay Prasad Singh, Advocate for the Petitioner
Sri Hira Lal Singh, Public Prosecutor for the State*

ORDER

1. Yearning for an order of emancipation the bail petition has been filed by the petitioner, who is booked in Complaint Case No. 1960 of 2009, for the offence allegedly committed under Sections 323, 498A of IPC and is confined in jail since 15.04.2026.

2. The case of prosecution is engendered upon a private complaint filed by one Rabina Khatoon with the allegations that her marriage was solemnized with the petitioner/accused no. 1 on 11.03.2006, according to Muslim rites and ceremonies. Albeit sufficient dowry was given in the marriage, yet she was subjected to cruelty for want of more. When their illegal demands were not fulfilled, she was maltreated and, ultimately, ousted of the house.

3. The trial court record was summoned. The complainant has not appeared despite of service of notice.

4. In oral arguments, the learned counsel for petitioner submitted that he is confined in jail since 15.04.2026, whereas he has received no intimation from the trial court. It is argued that the parties had amicably divorced each other.

5. In counter, learned Public Prosecutor for the State stoutly opposed the bail application on the ground that the main case is pending before the learned trial court since 2009 and the accused/petitioner is playing hide and seek from the process of the court.

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6. *Heard rival submissions and perused the record. It is a complaint filed by the wife against her husband who is confined in jail since 15.04.2026. Therefore, in the opinion of this court there is no fruitful purpose is going to be served by detaining the accused anymore in jail; resultantly, the bail application is allowed. Petitioner-accused is ordered to be emancipated on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount to the satisfaction of trial court. Out of the two sureties, one will be of the same village or close relative of petitioner. The accused/petitioner will file an undertaking that he will personally appear on each and every date of hearing before the learned trial court and in case of his third default in total, his bail will be cancelled.*

7. *File be consigned to the record room and that of trial court be sent back with a copy of this order.*

(Dictated)

(Satya Bhushan Arya)
Sessions Judge, Banka