

Court of District and Addl. Sessions Judge, Biraul(Darbhang)

Present:- Sri Shiv Kumar,

Dist.&Addl. Sess. Judge, Biraul.

ABP No. 100/2026(Md. Ashfaq vs. State of Bihar)

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In the Court of District and Addl. Sessions Judge, Biraul, Darbhanga

ABP No. 100 of 2026

In the matter of :-

1. Md. Ashfaq, Son of Mohammad Mukhtar

.....Petitioners.

Vs.

2. The State of BiharOpposite
Party.

For the petitioner:- Sri Suman Kumar Sahu, Ld. Advocate.

For the O.P.(State):- Sri Bachha Rai, Ld. APP.

Order

23.04.2026 The present anticipatory bail petition has been filed on behalf of abovenamed petitioner who is apprehending his arrest in connection with Ghanshyampur PS case No. 174 of 2024, for the offences U/Ss 323, 341, 504, 506/34 of IPC and 3/4 of DP Act, which is pending in the Court of Sri Rakesh Kumar Deepak JMFC, Biraul, Darbhanga.

Heard Sri Suman Kumar Sahu the Ld. Counsel for the petitioner and Sri Bachha Rai Ld. Counsel for State.

The FIR in the present case has been lodged on the basis of application of informant namely Sakila Khatoon. The case of the prosecution in brief is that the marriage of petitioner had been solemnized with informant three years ago. Out of wedlock she had blessed with one child. Her husband lives in Saudi Arab. After sometimes of marriage petitioner and his family members(in laws of complainant) started demanding dowry of Rs. 2,00,000/- and upon inability being shown by

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the complainant they use to torture her mentally and physically. On 15 November 2023 at around 7 O'clock the in laws of informant/victim snatched her Stridhan and expelled her out of the house.

Ld. Counsel for the petitioner submits that the petitioner is quite innocent and he has not committed any offence. The petitioner has falsely been implicated in this false case. No case under the alleged sections of FIR has been made out against the petitioner. The petitioner has no manner of concern with the alleged incident. He submits that the petitioner is legally wedded husband of the informant and has falsely been implicated in the present due to matrimonial discord and strained relationship between the parties. It is further submitted that the allegations as levelled in the FIR are vague, general and omnibus in nature without attributing specific overt act against the petitioner. It is argued that the ingredients of the alleged offences are not prima facie made out from the bare perusal of the FIR. It is also contended that the dispute between the parties is purely matrimonial in nature, which has been given a criminal color. There is every likelihood of reconciliation between the parties, and the petitioner is still willing to keep and maintain the complainant with full dignity and honour. It is further submitted that the prayer for bail of co-accused persons have already been allowed by this Court. It is lastly submitted that the petitioner is a law abiding citizen, has no criminal antecedents, and undertakes to cooperate in investigation/trial. Therefore the present petition may be allowed.

On the other hand Ld. Counsel for State opposed the prayer for bail.

Upon considering the rival submissions and on perusal of the materials available on record this court finds that though the petitioner is husband of the informant but the fact remains that the dispute appears to

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have arisen out of matrimonial discord between the parties. Further the present anticipatory bail petition has been filed on 07.03.2026 and after a lapse of considerable time of one and half month the State/Police has not submitted the case diary despite repeated directions of this court. Further the petitioner has showed his willingness to keep her wife with him. He is ready to co-operate in investigation/trial. Considering the facts and circumstances of the entirety and the fact that co-accused has already been granted anticipatory bail by this Court as well as other facts and circumstances of the case the prayer for anticipatory bail of the above-named petitioner is **allowed**. The petitioner is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each in the event of his arrest by police or surrender before Ld. Court below within a period of three week from the receipt of copy of this order in connection with Ghanshyampur PS Case No. 174/24 to the satisfaction of learned Court below.

(Dictated)

(Shiv Kumar)

Addl. Sessions Judge, Biraul

23.04.2026