

THE COURT OF DISTRICT & ADDITIONAL SESSIONS JUDGE- II, JAMUI
RESHMA KHATOON & OTHERS VS. THE STATE OF BIHAR
A.B.A. NO. - 329 Of 2026

ORDER

Present: Sudhir Sinha

01.04.2026

This anticipatory bail petition has been filed on behalf of petitioners **1. Reshma Khatoon and 2. Md. Sahil Ansari @ Sahil Ansari** who are apprehending arrest in Case No. 1112C/2020 U/s- 498A IPC and 3/4 D.P Act, the copy of which is served upon the ld. P.P.

The ld. Counsel for the petitioners has submitted that no bail petition has been filed on behalf of petitioners either in this ld. Court or before the Hon'ble High Court, Patna. The petitioners are made an accused in Jhajha P.S Case No. 331/2021 brought by the Complainant in which the petitioners are on bail vide A.B.A No. 1838/2021. The petitioners are quite innocent and they have committed no offence. The petitioners have falsely been implicated in this case. That it is totally false to say that the Complainant was married with the petitioner's son Nafish Ansari in 2020. It is stated that the family members of the Complainant wanted to marry her with Nafish Ansari for which Nafish Ansari and these petitioners did not become ready as a result the complainant brought this false case and thereafter filed a case vide Jhajha P.S Case No. 331/2021 virtually with the same allegation which clearly shows the atrocities being committed by the Complainant upon the petitioners. The petitioners are persons of means and there is no chance of their absconding and they are ready to furnish bail bond to the satisfaction of ld. Court In such view the ld. Counsel prayed to admit the petitioners to anticipatory bail.

The case in brief is that the Complainant Kasis Praween was married with Nafish Ansari on 01.03.2020 according to Muslim customs and rites. She was kept in good humor for one month in her matrimonial house. The husband and her mother-in-law and father-in-law demanded dowry of Rs. 5,00,000/- After that she was being tortured for dowry by her in-laws. Her husband told her that after Rs. 5 lakh is paid they will allow her to live in the house else her husband will remarry. Upon her objections, her husband threatened to kill her. The accused persons beat her up and forced her out of house on 12.11.2020, since then she is living in her parent's house. On 29.02.2020 her husband came to her parent's house and told that her mother was at his house and she has sent him to her and also further told that their marriage has been settled, the complainant told him that their marriage had ended. However she went to his house but her mother was not there. She was locked in a room and he forcibly committed rape with her. On 01.03.2020 at

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night he took maulvi and his parents and forcibly married with her. On 02.03.2020 at about 10:00 in the day she came to her sasural. After that her in-laws tortured her for dowry. On 13.11.2020 the in-laws forcibly ousted her from the house and also snatched her jewellery. Since then she is living in her parent's house.

The Id. Addl. PP opposed the prayer for bail.

On perusal of the LCR it is clear that the Kasis Praween had filed Case No.-1112C/2020 against 6 family members. The petitioners are father-in-law and mother-in-law of the Complainant. Therefore they are other than husband. The Id. Magistrate after inquiry found prima facie material against husband and others and accordingly NBW were directed to be issued against them on 17.03.2025.

Now coming to the offences alleged and the corresponding punishment. The Court finds that the Hon'ble Apex Court and the Hon'ble High Court Patna has directed in Arnesh Kumar Vs. State of Bihar, Salim Ansari Vs. State of Bihar and Naushad Ansari Vs. State of Bihar to accord benefit under section 41A of the Cr.P.C. in cases where the offences are punishable with less than seven years imprisonment or to grant bail. In the present case the offences are punishable with less than 7 years imprisonment. They have not been given the benefit u/s-35(3) of the BNSS. In such view the petitioners deserve the privilege of pre-arrest bail. Accordingly this A.B.A stands **allowed**.

The petitioners **1. Reshma Khatoon and 2. Md. Sahil Ansari @ Sahil Ansari** in the event of their arrest or surrender are directed to be released on bail on furnishing bail bond of Rs.10,000/- with two sureties of the like amount each to the satisfaction of the concerned Court and as per condition of Section 438(2) Cr.P.C.

Dictated & Corrected

District & Addl. S.J- II, Jamui
01.04.2026