

THE COURT OF DISTRICT & ADDITIONAL SESSIONS JUDGE- II, JAMUI
GULAM SARVAR VS. THE STATE OF BIHAR
A.B.A. NO. - 1761 Of 2025

ORDER

Present: Sudhir Sinha

09.03.2026

This anticipatory bail petition has been filed on behalf of petitioner **Gulam Sarvar** who is apprehending arrest in Complaint Case No. 1041C/2024 registered U/s- 85, 315(2), 351(2), 352, 115(2) of BNS & 4 D.P Act, the copy of which is served upon the Id. P.P.

The Id. Counsel for the petitioner has submitted that no bail petition has been filed on behalf of petitioner either in this Id. Court or before the Hon'ble High Court, Patna except the present one. The petitioner has no criminal antecedent. The petitioner is quite innocent and he has committed no offence and has falsely been implicated in this case. All sections are bailable except section 85 of BNS. The petitioner is man of means and there is no chance of his absconding and he is ready to furnish bail bond to the satisfaction of Id. Court. In such view the Id. Counsel prayed to admit the petitioner to anticipatory bail.

The case in brief is that the informant Tarannum Naj was married to Gulam Sarver on 08.04.2012 according to Muslim customs and rites. At the time of marriage, her parents gave cash Rs. 75,000/- for household purchase and for buying a motorcycle additional cash Rs. 65,000/- along with other household items and jewellery. After marriage she went to her sasural to start conjugal life with her husband. She gave birth to two daughters. She is currently employed as contractual teacher at Madhya Vidhalya Bhajhaur. Her husband forcibly takes her salary every month, causing financial hardship in raising and education of her children. When she refused giving money, he abused her and her children. He demanded as dowry cash Rs. 25,00,000/- from her parents and when she objected, her in-laws ousted her from the house. After that she is living in Ajad Nagar, Jamui. They also came here and beat up her and demanded money. On 08.09.2024 at about 7-8 in the night he came at her residence and tried to press her neck and when her children started crying the nearby people dialed 112. The police came and the accused seeing the police vehicle fled away.

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

On perusal of the record it is clear that Tarannum Naaz has filed a Complaint Case No. 1041C/2024 against 5 family members including the

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petitioner. The Id. Magistrate after inquiry found prima facie material against husband Gulam Sarvar and others and accordingly Summons were directed to be issued against them.

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, Satendar Antil Vs. CBI and Naushad Ansari Vs. State of Bihar to accord benefit under section 41(A) 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. In such view the petitioner deserves the privilege of pre-arrest bail. Accordingly this ABA stands **allowed**.

The petitioner **Gulam Sarvar** in the event of his arrest or surrender is 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
09.03.2026