

IN THE COURT OF ADDITIONAL DISTRICT & SESSIONS JUDGE-II

DISTRICT-Katihar
(A.B.P. No. 334/2026)

In the matter of

1.Md. Afsar aged about 29 years S/o Quddus @ Huliya

R/o- Vill- Dhatta, P.S. Barsoi, District- Katihar

.....**Accused/petitioner.**

Vs

State of Bihar.....Opposite Party.

Azamnagar P.S. case no. 197/2025

U/S- 85, 3(5) of the B.N.S. & 3/4 D.P. act.

Ld, advocate for petitioner- Shri Md. Sahin Akhatar

Ld, A.P.P. for the State- Shri Md. Azaj Alam

ORDER

08.05.2026- This anticipatory bail petition has been filed on the behalf of accused-petitioner namely 1. Md. Afsar who is apprehending his arrest in connection with aforesaid case.

Heard the ld. counsel Shri Md. Sahin Akhatar appearing on the behalf of the petitioner and Ld. A.P.P. Shri Md. Azaj Alam on the behalf of the state.

According to F.I.R. prosecution case in nutshell is that marriage of informant namely Asmina Khatun was solemnized with accused-petitioner namely Md. Afsar as per Muslim custom. Informant has further alleged that after the said marriage accused-petitioner and his other family members subjected her to physical and mental torture for dowry. Informant has further alleged that her husband is in illicit relation with his bhabhi and when he protested then he gave her talaq. Further, informant has stated that panchayati was convened and in the said panchayati it was stipulated to pay six lakh rupees as a Mehar and Rs. Two lakh of marriage total eight lakh but petitioner refused to pay the said amount and he also does not pay any maintenance.

On the other side learned counsel for the petitioner has reiterated all the grounds taken in the bail petition and has submitted that the petitioner is quite innocent and he has committed no offence and the allegations levelled against the petitioner are false and fabricated. He has further submitted that petitioner is legally married husband to the informant and informant came in collusion of her parents left the matrimonial house and shifted at her maikey. He has further submitted that petitioner never given talaq to the informant in presence of the panches and the informant falsely alleged that parents of the informant has given sum of Rs. Eight lakhs to the petitioner and there was no any panchayati took place in between the parties. He has further submitted that petitioner for the motive only to send the jail to petitioner to teach some lesson. Moreover, the petitioner has buried the old grievances of informant, rather petitioner ready to keep the informant as wife with full dignity. Accused-petitioner has got no other

criminal antecedent. Accordingly, it has been prayed to allow the said anticipatory bail petition.

Per contra, learned A.P.P. has vehemently opposed the prayer for anticipatory bail.

Heard the both parties and perused the case record from perusal of the case record it is evident that informant has only levelled general and omnibus allegation against the petitioner relating to dowry demand as well as physical and mental torture due to non-fulfillment of dowry demand. Further, informant has not adduced any type of evidence regarding alleged talaq. Further, there is no medical prescriptions on record relating to physical assault of the informant. Moreover, from record it appears that investigation has already been completed in this case and police has submitted charge-sheet against accused-petitioner. So, it is evident that there is no need of custodial inquiry.

So having consideration the above facts and submission made by the Ld. Counsel for the petitioner, the instant anticipatory bail petition is hereby allowed and accordingly it is ordered to release the petitioner namely Md. Afsar on bail in the case of surrender/arrest within three weeks of this order on furnishing of bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of the learned court concerned subject to the condition as mentioned in the section 482(2) of the B.N.S.S.. with additional condition that accused-petitioner will file an undertaking that he will remain physically present before the concerned court on each and every date till framing of charge.

**Addl. Sessions. Judge-II
Katihar**

Date of Order	08.05.2026
Date of Reserving Order	N/A
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