

IN THE COURT OF DISTRICT & ADDL. SESSIONS JUDGE-III, KATIHAR
ANTICIPATORY BAIL PETITION No. 568/2026
(Arising out of Pothiya P.S. Case No. 71/2026)

Md. Wakeel & Others ... petitioners

Versus

The State of Bihar ... Opposite Party

Ld. Counsel for the petitioners:- Sri Abhishek Kumar, Advocate
Ld. Counsel for the State :- Sri Shiv Narayan Singh, APP

Date of hearing/Disposal: 21.05.2026

ORDER

An anticipatory bail petition has been filed on behalf of the accused petitioners namely (1) Md. Wakeel, (2) Md. Rakim, (3) Md. Shahnawaz, (4) Rozi Parveen, who are apprehending their arrests in connection with Pothiya P.S. Case No. 71/2026 for the offences registered U/S 76, 85, 352, 3/5 of BNS and Section 3/4 of D.P. Act. The copy of the same has already been duly served to the Ld. Addl. P.P. for the State.

Heard the Ld. counsel for the petitioners and the learned A.P.P. for the State.

The Ld. counsel of the petitioners have submitted that no B.P. or A.B.P. on behalf of the accused petitioners have been filed or moved before this court or before the Hon'ble High Court, Patna. The petitioners are innocent and they have not committed any offence at all and have been falsely implicated in this case. That in this case husband namely Md. Miskin has not made accused in this case. That Petitioner No. 1 is Sasur, Petitioner No. 2 & 3 are devar and Petitioner No. 4 is a Devrani and all petitioners have been living separate from the complainant. That the petitioners have no any criminal antecedent. Petitioners are ready to furnish local and solvent bailors to the court satisfaction. Accordingly, prayed to grant bail.

On the other hand, the Ld. Addl. P.P. vehemently opposed the prayer of anticipatory bail filed on behalf of the above named accused petitioners and submitted that the petitioners have committed the alleged offence under well planned manner. Hence, it is requested to reject the petition of the above named accused petitioners.

The case of the prosecution story as per fardbayan, is that the informant alleged that after her marriage in 2003, her father-in-law and brother-in-law started harassing and assaulting her for dowry. It is alleged that they demanded Rs. 5,00,000/- for house construction, but thereafter, they again demanded another Rs. 5,00,000/- and continued assaulting and threatening her. She further alleged that in absence of her husband, the accused persons assaulted her and misbehaved with her, forcing her to flee to her parental home. Hence, the present case.

Heard rival submission of the Ld. counsel on behalf of the accused petitioners and the Ld. Add.P.P. for the State and perused the LCR. From perusal of the same, it transpires that the case has been registered U/S 76, 85, 352, 3/5 of BNS of the I.P.C. and Section 3/4 of D.P. Act. The petitioners are named accused of the FIR and that the allegations are general and omnibus in nature. The allegation regarding payment of Rs. 5,00,000/- is not supported by any independent documentary evidence. There is no serious injury report or medical documents to support the allegation of assault. That the marriage was solemnized in the year 2003 and the dispute arises out of a long standing matrimonial and family discord. That the petitioners have no criminal antecedent. There is no chance of absconding or tampering with the evidence and they are ready to co-operate during investigation and trial.

Hence, considering the above facts and circumstances of the case, the present anticipatory bail petition of the above named accused petitioners is hereby **allowed** and the petitioners in the event of their arrest or surrender **within four (4) weeks of this order**, shall be admitted to bail on furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of the court.

(Sd/-)

(Sunil Kumar Singh-III)
D.A.S.J.-III, Katihar
21.05.2026