

COURT OF ADDITIONAL SESSIONS JUDGE IInd, NALANDA AT BIHARSHARIF

B.P. No. 217 / 2026
(Arising out of Complaint Case No. 1063C/2019)

Md. Naiyar Alam V/s. State of Bihar

Sl. No.	Date of order or Proceeding	Order with the signature of the Court	Office action taken with date
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	16-03-2026	The present petition for regular bail has been filed on behalf of petitioner Md. Naiyar Alam, son of Md. Nasir Hussain, who is in custody since 08.02.2026 in connection with Complaint Case No. 1063C/2019 registered for the offences punishable U/s.-323, 498(A) of the IPC and Section 4 Dowry Prohibition Act. Prosecution case, in brief, is that complainant Angoori Khatoon, wife of Md. Naiyar Alam, D/o Md. Qamruddin Hussain, at presently resident of village Parwalpur, Police Station Hilsa, District Nalanda filed a complaint case in the Court of Chief Judicial Magistrate, Nalanda alleging therein that on 21.09.2013 her marriage was performed with accused Md. Naiyar Alam according to Muslim rites and customs. He accepted Dain Mahar of Rupees 25,551/-(Twenty five thousand five hundred fifty one rupees) in presence of the witnesses. After the marriage he kept his wife and on account of their holy bedlock, they were blessed with one son and one daughter. When the complainant became pregnant, then, her husband, father-in-law and mother-in-law sent her to naihar and her parents bear the cost of delivery. Her parents gave Rs.1,50,000/- (One lakh fifty thousand rupees) in gift and a gold earrings, a locket of and Rs. 11,000/- (Eleven thousand rupees) cash, utensils and other things to complainant and her husband. After some times, the accused persons started demanding Rs. 50,000/- (Fifty thousand rupees) cash and a Hero Honda splendor motorcycle in dowry. Otherwise, he will ousted the complainant and her children from his house. Md. Naiyar Alam always came to the house of her mother at Mohalla Katrapar in every week and started abusing and assaulting the complainant. Md. Nihal and Tahira Khatoon stopped giving meal. On 18.08.2019, all the accused persons assaulted and ousted her from the house. She came to her Naihar alongwith her children and after that accused persons came there on bike to her Mausai and they started abusing and assaulting them and her Mausai saved complainant and her children. Then, they fled away there. After that complainant and her Mausai went to Mahila Police station, then Police asked her to come in the morning time. She went to police station in the morning time, then the police told her to call his husband but he could not call him and after that she came with her mausi and filed a complaint case before the learned C.J.M., Bihar Sharif, Nalanda. On the basis of the said petition, complaint case no. 1063C/2019 was registered and was sent for inquiry in the Court of Sub Divisional Judicial Magistrate, Bihar Sharif, Nalanda, who after taking S.A. and enquiry witnesses found the prima facie case under Sections 323, 498(A) of the IPC and Section 4 Dowry Prohibition Act against petitioner. Heard the learned counsel Shri Ashok Kumar for the petitioner as well as learned A.P.P. Shri Sunil Kumar Sinha on	

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	<u>Contd..</u> 16-03-2026	behalf of the State. It has been submitted by the learned counsel on behalf of the petitioner that earlier an application for anticipatory bail vide A.B.P. No. 1898/23 was filed before this Court and the learned 2nd Addl. Sessions Judge, Bihar Sharif, Nalanda(now learned 1st Addl. Sessions Judge, Bihar Sharif, Nalanda) has been pleased to grant provisional anticipatory bail to the petitioner. On his behalf no anticipatory bail application has been filed before the Hon'ble High Court, Patna. For the first time, this regular bail application has ever been filed before this Court. He further submits that the petitioner is innocent and had committed no offence and he has falsely been implicated in the present case out of malice and grudge with ulterior and dishonest motive. The prosecution case is totally false, concocted, baseless and there is not an iota of truth in it. The prosecution case is an outcome of due deliberations and embellishments. There are reasonable grounds to presume that actually no such occurrence as alleged had taken place and the petitioner is innocent. The petitioner is husband of the complainant. He had been keeping his wife and children with utmost love, affection and dignity and he is still ready to keep his wife with love, affection and dignity. All the offences except offence punishable U/s. 498(A) IPC and Section 4 Dowry Prohibition Act are bailable and from the perusal of the complaint petition and evidence during enquiry of the witnesses no case U/s. 4 Dowry Prohibition Act is made out in this case and the allegation of demand of dowry is omnibus and no demand has been made by the petitioner or any other accused persons from the complainant or her family members. Several times, the complainant used to live at her naihar or at her Mausi house. The petitioner went there and requested to go to her matrimonial house and all the times, she was refused and was asked that to live here at BiharSharif as Gharjamai at the house of her Mausi. The petitioner refused to do so and on account of it she could not come with the petitioner to her matrimonial house. So whatever allegations are levelled against the petitioner by the complainant is merely on the basis of surmises and conjectures. The petitioner has got no criminal antecedent. He also submits that the petitioner is in custody since 08.02.2026. On these facts, he has prayed that the petitioner be granted regular bail. Learned A.P.P. vehemently opposed the bail petition. Heard both the parties. Perused the case record and other relevant papers, it appears that petitioner is in jail custody since 08.02.2026. Earlier anticipatory bail vide A.B.P. No. 1898/23 was filed before this Court in which he has been granted provisinal anticipatory bail. The learned 2nd Addl. Sessions Judge, Bihar Sharif, Nalanda(now learned 1st Addl. Sessions Judge, Bihar Sharif, Nalanda) has been pleased to grant provisional anticipatory bail to	

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