

In the Court of District Addl. Sessions Judge - II, Patna

A.B.P. No.2349/2026.

Gauhar Ali Sarwar and other

Petitioners.

Vs.

The State of Bihar

Opposite

Party.

Sr. No.	Date	Order with signature of the Court	Office Action/s taken with Date
--------------------	-------------	--	--

19.06.26

This anticipatory bail petition has been filed on behalf of petitioners namely **Gauhar Ali Sarwar**, Son of Gulam Sarwar and **Masoon Ali Sarwar**, Son of Gular Sarwar both R/O of Saguna More, near Jama Masjid, Danapur Cantt., P.S. Danapur, District - Patna who are apprehending their arrest in connection with Complaint Case No.9644(C)/2024 for the offence U/S 85, 115(2), 352 of the BNS and 3/4 Dowry Prohibition Act, pending in the court of learned S.D.J.M., Patna.

Heard learned counsel for the petitioners as well as the learned Addl. P.P. for the state and also the learned counsel appearing on behalf of the complainant.

Perused the case record, case record reveals that complainant has filed complaint petition against the accused person as named in complaint petition. As per complaint petition complainant was tied in nuptial knot with the petitioner No.1 Gauhar Ali Sarwar on 04.02.2022 with Muslim rites and rituals at Nausa, Phulwari Sharif. At the time of Nikah (marriage) her father had given so many articles as gifts, but after Nikah her Ruksati was got stopped and demand of Rs.5,00,000/- (Rupees five lacs only) as dowry but any how her Ruksati was made on 21.10.2025. She went to her matrimonial house where she was subjected to torture and cruelty by all the accused persons physically and mentally both. In this context her Bhaisur (brother in-law) Ajmat Ali Sarwar tried to outrage her modesty. She disclosed this matter to her husband and in-laws then they asked if she will live there then she will have to bear all these. In the meantime she became pregnant, but in this situation she was not provided proper care by the accused persons. She was ill-treated by them and not provided food to her. She informed to her parents in this regard then her phone

Cont....
23.06.26

was snatched and demand of Rupees five lacs was made stating that when their demand will be fulfilled, she will be kept by them. On getting information her parents came, but her in-laws denied the entire incident. On 25.12.2022 after assaulting she was ousted from her matrimonial house and since then she has been living in her parental house. On 17.08.2023 she was blessed with a son, but no one appeared from her matrimonial house to see the child. All expenses were made by her parents. On 23.06.2024 her husband forcibly took away her in her matrimonial house for three days on the occasion of marriage of his husband's brother Ajmat Ali Sarwar for showing to society, but their behavior was not changed and they remained demanded of Rupees five lacs from her as dowry. Thereafter, they hurling abuses assaulted and ousted her with child from her matrimonial house.

Learned counsel appearing on behalf of the petitioners has submitted that the petitioners have been falsely implicated in this case due to ulterior motive of the complainant. The petitioner No.1 Gauhar Ali Sarwar happens to be the husband of the complainant whereas petitioner No.2 Masoon Ali Sarwar is her younger brother in-law (Dewar). There is no specific allegation against the petitioners, rather allegations are general and omnibus in nature. No demand of dowry was ever made by the petitioners from the complainant, rather she has been continuously providing financial support for her maintenance as and when required. In support of which bank transfer receipts, transaction details through UPI etc. have been filed. He further submits that at the time of delivery of her son her in-laws were present in the hospital and her husband petitioner No.1 had provided sufficient amount for medical expenses. The complainant has already filed a Maintenance Case No.298(M) of 2024 on 12.08.2024 before the Principal Judge, Family Court, Patna which is now pending for hearing and disposal before the court of Additional Principal Judge, Family Court, Patna. The petitioners are ready to keep the complainant with full honour and dignity. So much so almost all the accused persons have been granted anticipatory bail by the then court vide order dated 02.05.2026 passed in A.B.P. No.1637/2026. Hence taking into consideration all the facts and circumstances of the case, the petitioners deserve to be released on anticipatory bail.

On the other hand learned Addl. P.P. duly assisted by learned counsel for the complainant opposed the prayer for anticipatory bail of the petitioners contending that the complainant was subjected to torture and cruelty mentally and physically both by the petitioners along with co-accused

Cont..
19.06.26

persons on account of non fulfillment of additional demand of dowry of Rupees five lacs. The petitioner No.2 has got one criminal antecedent as per Para-03 of his bail petition.

Heard both sides, perused the record and other materials available on the record. From perusal of the same, it appears that this is a case of matrimonial dispute between the complainant and petitioner No.1 Gauhar Ali Sarwar. During the hearing on bail petition complainant and petitioner no. 1 Gauhar Ali Sarwar appeared in the court and petitioner made submissions that he is ready to keep the complainant as his wife with full dignity. He further states that if complainant is not ready to live with his family member he is ready to keep her separate from his family member he would also not keep connection with his family. He further states that he always looked after and maintained her and as when required he has financially supported to her. In support of which bank transfer receipts, transaction details etc. have been filed from which appears that petitioner no. 1 always sent money to complainant as demanded by her. When complainant was queried she clearly denied to live together with complainant. Besides the complainant has already filed a Maintenance Case No.298(M) of 2024 on 12.08.2024 which is pending in the Court of Additional Principal Judge, Family Court, Patna for hearing and disposal. So much so co-accused persons have already been granted anticipatory bail by the predecessor court. The petitioner No.1 has got no criminal antecedent while petitioner No.2 has got only one criminal antecedent in which he is on bail vide Para-03 of their bail petition.

Thus, considering the aforesaid facts and circumstances of the case, nature of allegation against the petitioners as well as seeing the conduct of the complainant I am inclined to enlarge the petitioners on anticipatory bail, in event of surrender or arrest of the petitioner within six weeks from the date of receipt of the copy of order they are directed to be released on anticipatory bail on furnishing bail bond of Rs.10,000/= (Rupees ten thousand only) each with two sureties of the like amount each to the satisfaction of the learned trial court, under subject to condition as laid down U/S 482(2) of the BNS.

Sd/-
Addl. Sessions Judge-II, Patna.
19.06.2026.

Date of Judgment/Order	19-06-2026
Date of Reserving Judgment/Order	19-06-2026

Uploading Date	19-06-2026
Uploaded by	Niranjan Kumar Ojha