

Kanhaiya Jee Choudhary
Sessions Judge, Purnea.
ABP No.216 of 2026/CIS No. 216 of 2026
(arising out of C.A. Case No.1376 of 2025)
Md.Izhar Ashraf Versus State
Date of Order : 24.3.2026

IN THE COURT OF SESSIONS JUDGE, PURNEA

A.B.P. No.216 of 2026/CIS No.216 of 2026

Md.Izhar Ashraf, aged about 29 years S/o Md.Ehsanul Haque, R/o Bairgachhi, P.S.
Baisi, District Purnea. .. Petitioner.

Versus

State

.. Opp.Party.

Date of order or proceeding	Order with signature of the court	Office action taken with date
24.3.2026	A.B.P. filed on behalf of the petitioner, Md.Izhar Ashraf, who is apprehending his arrest in connection with C.A. Case No.1376 of 2025 registered for the offence under sections 85 of the BNS and $\frac{3}{4}$ of the D.P. Act is put-up for hearing. 2. Heard Md.Abdul Monu, learned counsel for petitioner, Sri U.K. Keshari, the learned P.P. I/c appearing for the State and Sri Neeraj Kumar, the learned counsel of the complainant and perused the record and LCR. 3. As per complaint petition, the prosecution case, in brief, is that on 9.2.2018, complainant was married with petitioner according to Muslim rites and rituals. It is further stated that her husband (petitioner) solemnized Nikah with her after concealing his first marriage in spite of that complainant started leading conjugal life with her husband. After marriage, she had gone to matrimonial house with gifted articles and stayed there for six months peacefully. Thereafter, all the accused persons including the petitioner being husband of the complainant in furtherance of their common intention of all started torturing the complainant for fulfillment of 2,00,000/- (two lacs) and motor-cycle as dowry. During that course, complainant became pregnant and she was blessed with a male child. Accused persons due to non-fulfillment of aforesaid dowry demand, ousted her from the matrimonial house and since then she is living at her parent's house with son, aged about 6 years.	

Contd. 24.3.2026	4. The learned counsel of the petitioner has submitted that petitioner has falsely been implicated in this case only to extort money from the petitioner. He also submitted that admittedly, complainant is legally wedded wife of the petitioner but she refused to live with him. Petitioner wants to settle the matrimonial dispute with the complainant as one time settlement before the competent court. In the meantime, he is ready to give ad-interim maintenance to the complainant, subject to final decision of the competent court. Petitioner is a man of clean antecedent and he is ready to comply all the conditions as imposed by the court. So, prayed for anticipatory bail. 5. On the contrary learned P.P. assisted by the learned counsel of the complainant have opposed the prayer of anticipatory bail of the petitioner and submitted that petitioner is husband of the complainant and he is more responsible for the alleged occurrence and complainant is ready to live with the petitioner but petitioner doesnot want to keep her. So, petitioner does not deserve the benefit of anticipatory bail. 6. I have heard the rival submission of both parties and perused the case record. From perusal of the same, it appear that it is a case of matrimonial dispute and petitioner is husband of the complainant. It also appears that matter has been referred to the Mediation Centre to settle the dispute but Mediation in between both the parties ended as unsuccessful. The learned counsel of the petitioner has submitted that due to conduct of the complainant, petitioner is unable to keep the complainant and petitioner is ready to pay ad-interim maintenance to the complainant till amicable one time settlement between them. The counsel of the complainant has also agreed to settle the dispute as one time settlement with the petitioner. Though, petitioner is husband of the complainant	
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Contd. 24.3.2026	but the manner of allegation against the petitioner seems to general in nature and petitioner is ready to pay ad-interim maintenance to the complainant till amicable one time settlement between them. 7. Considering the fact and circumstances discussed above, manner of allegation against the petitioner being husband of the complainant specially the fact that petitioner is ready to pay ad-interim maintenance to the complainant till amicable one time settlement of matrimonial dispute between them, the anticipatory bail petition of the petitioner,namely, Md.Izhar Ashraf is allowed and it is ordered that in the event of arrest/surrender he will be enlarged on bail on furnishing bail-bonds of Rs.10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of the learned court before within fortnight from the receipt of this order with the conditions as laid down u/s 482 BNSS, subject to condition that as the petitioner is ready to pay interim maintenance to his wife till amicable settlement, or any order passed by competent court, petitioner will pay Rs.3000/- (Three thousand) per month to the complainant from the date of furnishing bail bond as ad-interim maintenance. (Dictated & corrected by me) Sd/- Sessions Judge,Purnea. <table border="1"><tr><td>Date of Order</td><td>24.3.2026</td></tr><tr><td>Date of Reserving Judgment/ order</td><td>24.03.2026</td></tr><tr><td>Uploading Date</td><td>28.3.2026</td></tr><tr><td>Uploaded by</td><td>Kumar Sanjay,Steno</td></tr></table>	Date of Order	24.3.2026	Date of Reserving Judgment/ order	24.03.2026	Uploading Date	28.3.2026	Uploaded by	Kumar Sanjay,Steno
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