

In the Court of Sessions Judge, Supaul
A.B.A.-810/2026
(Arising out of Complaint Case No:-236C/2024)

<u>29/06/2026</u>	Mohammad Nausad, S/o- Sadre Alam @ Munna, R/o- Berdah, Motipur, Ward No.05, PS- Karjain, District- Supaul; Accused/ petitioner Vs. State of Bihar O.P Ld. Counsel for petitioner Sri. Ram Pukar Yadav, Advocate. Ld. APP Sri. Amar Kumar Das, for the State. By this order we are going to dispose off the anticipatory bail application filed on behalf of accused/ petitioner, namely Mohammad Nausad, who is apprehending his arrest in connection with Complaint Case No.236C/2024, U/s- 498(A), 341, 323, 504/ 34 of IPC and 3/ 4 D.P.Act. Ld. counsel for the accused/ petitioner argued that accused/ petitioner is quite innocent and has committed no offence and he has falsely been implicated in this case due to dirty village politics. He further submitted that the accused/ petitioner is not involved in any other case and having the clean antecedent. He further submitted that the offence u/s- 498(A) of IPC read with section 3/ 4 of D.P.Act is not applicable against the accused/ petitioner. It is also submitted that accused/ petitioner is ready to abide by the provisions of section 482 of B.N.S.S, so he may be admitted to the anticipatory bail. Ld. PP for the State strongly opposed the anticipatory bail application. In brief, the prosecution story is that a complaint case was filed by the complainant namely Nabisa Khatoon against 5 accused persons, including this accused/ petitioner, who is the husband of the complainant. As per the statement of the complainant, her marriage was solemnized with this accused/ petitioner for about 3 years ago as per the Muslim Rites and Customs. The complainant further alleged that her husband along with other family members have demanded the dowry of Rs.1 lakh and one motorcycle and due to non-fulfillment of the said demand, the accused persons abused and assaulted the complainant and thrown out the complainant from her matrimonial home. Argument heard from both sides and perused the lower court record. On perusal of lower court record, it transpires that in this case the complainant also examined other witnesses namely Md. Akbar Ali and Hasimun Khatoon and on the basis of the above-said statement, the Ld. Magistrate has taken cognizance against the accused persons, u/s- 498(A), 341, 323, 504/ 34 of IPC, vide order dated 06.03.2025.	Contd.
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<u>Contd.</u> <u>29/06/2026</u>	Admittedly, in this case this accused/ petitioner is the husband of the complainant. The case revolves on complaint petition. The offence under which the cognizance was taken by the Ld. Magistrate is punishable for less than 7 years. The allegation against the accused/ petitioner is general in nature. Hence, as per the <i>Ratio laid-down</i> by the Hon'ble Supreme Court in case of “Satendra Kumar Antil Vs. CBI” and our own Hon'ble High Court, Patna in case of “Naushad Ansari Vs. The State of Bihar”, I find that the accused/ petitioner is entitled to get the benefit of anticipatory bail. Therefore, prayer for anticipatory bail of accused/ petitioner stands Allowed and in the event of his arrest or surrender before the court within 15 days from the date of receipt of a copy of this order, petitioner is directed to be released on furnishing bail bonds of Rs.20,000/- with two sureties of like amount each to the satisfaction of Learned Court below with condition that he shall abide by all the conditions laid down in section 482 of B.N.S.S and one of the bailor must be family member or close relative. Dictated -Sd- (Anant Singh) Sessions Judge, Supaul	
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