IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40738 of 2026

Arising Out of PS. Case No.-17 Year-2026 Thana- MAINATAND District- West Champaran

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Shekh Faiyaz S/O Late Shekh Sadar R/O Village-Inarwa, Basantpur, PS-Mainatand, Distt- West Champaran

... ... Petitioner/s

Versus

1. The State of Bihar Bihar
2. Ishrat Kahtton W/O Shekh Faiyaz, D/O Shekh Samsuddin R/O Village-Inarwa, Basantpur, PS-Mainatand, Distt- West Champaran At present,R/O Village- Parsa, PS- Purushottampur, Distt-West Champaran

... ... Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Bimlesh Kumar Pandey, Adv.
For the State	:	Mr. Satyendra Narayan Singh, APP
For the O.P. No. 2	:	Mr. Umesh Kumar Gupta, Adv. Mr. Suraj Kumar, Adv.

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL ORDER

3 20-08-2026 Heard Mr. Bimlesh Kumar Pandey, learned Advocate for the petitioner and learned Additional Public Prosecutor for the State. The O.P. No. 2 is represented through Mr. Suraj Kumar, learned Advocate.

2. The petitioner happens to be husband of the O.P. No. 2 is apprehending his arrest in connection with Mainatand P.S. Case No. 17 of 2026, registered for the offences punishable under Sections 126(2), 115(2), 109(1), 118(1), 85, 74, 76, 352, 351(2) & 3(5) of the BNS.

3. The written report alleges that the O.P. No. 2 was subjected to the demand of dowry and on account of non-

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fulfillment of the same, she was tortured in various ways; besides, there is further allegation that she was also assaulted by her mother-in-law and brother-in-law and finally ousted from her matrimonial home.

4. Learned Advocate for the petitioner submitted that so far the allegation of causing assault is concerned, the same has been attributed against her in-laws persons and there is no specific allegation of any assault or causing injury against the petitioner, who is none-else but the husband of the O.P. No. 2. The petitioner is ready to keep O.P. No. 2, but by one reason or another, it is the O.P. No. 2, who refuses to reside in her matrimonial home. The other co-accused persons, who are facing the allegation of causing assault, they have been extended the privilege of anticipatory bail. It is further argued that the matter was referred to the Patna High Court Mediation and Conciliation Center, however, the parties could not arrived on amicable settlement. Learned Advocate for the petitioner fairly submits that in order to show the *bona fide*, the petitioner, who has been working as a labourer to the best of his capacity ready to pay Rs. 5,000/- per month as a token of maintenance to the O.P. No. 2, till any order is passed by competent Court.

5. On the other hand, learned Advocate for the State

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and the informant vehemently opposed the bail application and submits that since the petitioner is not ready to mend his ways and therefore, the settlement could not be arrived. The petitioner has tortured the O.P. No. 2 in various ways and there is a baby child, who has also been ousted and not being maintained by the petitioner.

6. Having considered the submissions advanced by the learned Advocates for the respective parties and taking note of the nature of the accusation, coupled with the fact that the petitioner is the husband of O.P. No. 2 and he is willing to pay Rs. 5000/- per month as token of maintenance, this Court is acceded to the prayer for anticipatory bail of the petitioner, let the petitioner above named be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate 1st Class, Bettiah, West Champaran in connection with Mainatand P.S. Case No. 17 of 2026, subject to the conditions laid down in Section 482(2) of the Bharatiya Nagrik Suraksha Sanhita, 2023, with the further condition that one of the bailors shall be the own/close family

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members of the petitioner.

7. The petitioner shall ensure payment of Rs. 5000/- in the first week of every month, which shall be deposited in the account of the O.P. No. 2.

8. The account no. shall be furnished by the learned Advocate for the informant to the learned Advocate for the petitioner.

(Harish Kumar, J)

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