

IN THE HIGH COURT OF JHARKHAND, RANCHI

A.B.A. No. 4909 of 2026

Imran Hussain, aged about 33 years, son of Manjar Ali, resident of Village -Nawadih, PO Nawadih, PS Markacho, District-Koderma, Jharkhand Petitioner

-- Versus --

The State of Jharkhand Opposite Party

CORAM: HON'BLE MR. JUSTICE SANJAY KUMAR DWIVEDI

For the Petitioner :- Mr. Arvind Prajapati, Advocate

For the State :- Mr. Ajay Kumar Pathak, Advocate

For the Informant :- Mr. Chandan Kumar, Advocate

2/03.09.2026 Heard learned counsels for the petitioner and for the State as well as the informant.

2. The petitioner is apprehending his arrest in connection with Dhanwar (Ghorthamba O.P.) P.S. Case No.314 of 2025 arising out of Complaint Case No.684 of 2025 for offence registered under section 127(1), 115(2), 85, 352, 74, 351(2), 303(2) of BNS, 2023, section 3/4 of Dowry Prohibition Act and section 3/4 of Muslim Women Protection of Right on Marriage Act, 2019, pending in court of learned Judicial Magistrate, First Class, at Giridih.

3. Learned counsel for petitioner submits that the petitioner happened to be husband and prior to the present FIR, one case being Dhanwar P.S. Case No.405 of 2020 was filed on similar set of allegation and the said case was compromised with certain terms and conditions. He next submits that the petitioner was being tortured by the wife for having less money and not providing her

lavish life. He next submits that on same allegation initially the complaint was filed which was converted into FIR. He also submits that divorce has taken place and the informant has solemnized marriage with another man. He next submits that allegations are there that the petitioner has refused to re-marry.

4. Learned State counsel as well as the learned counsel for the informant jointly oppose the prayer and submit that the allegations are there that the petitioner has refused to re-marry.

5. Learned counsel for the informant further adds that earlier compromise has taken place and the petitioner has assured to re-marry the informant.

5. Admittedly, the informant has earlier lodged the case being Dhanwar P.S. Case No.405 of 2020 in which compromise has taken place and on the same set of allegations the complaint case has been filed which has been converted into FIR and the divorce has taken place and the informant has solemnized the marriage with another man.

6. Admittedly, the divorce has taken place and the informant has already solemnized marriage with another man. If the husband refuses, the wife does not have a basis to file a fresh criminal case or the FIR, because the husband's refusal does not amount to a cognizable offence or a legal wrong under Muslim personal law or the general criminal law. The documents do not

identify any provision under which the wife can compel re-marriage or file a fresh suit based solely on the husband's refusal after halala is completed , I am inclined to grant anticipatory bail to petitioner.

7. Accordingly, petitioner, above named, is hereby directed to surrender before learned court within three weeks from today, and in event of his surrender/arrest, petitioner, above named, shall be released on bail, on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand), with two sureties of like amount each, to satisfaction of learned Judicial Magistrate, First Class, at Giridih, in connection with Dhanwar (Ghorthamba O.P.) P.S. Case No.314 of 2025 arising out of Complaint Case No.684 of 2025, subject to the conditions as laid down under section 482(2) of Bhartiya Nagrik Suraksha Sanhita (BNSS), 2023.

(Sanjay Kumar Dwivedi, J.)

03.09.2026
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