

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31361 of 2016

Arising Out of PS.Case No. -22 Year- 2015 Thana -ANGADH District- PURNIA

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Najel @ Najel Hussain, S/o Samed Ali, Resident of Village- Cherabari, P.S.
Angarh Distt Purnia .

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Vikram Singh, Advocate

For the Opposite Party : Mr. Sri Anand Kishore Choudhary (APP)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

4 09-09-2016 Heard learned counsel for the petitioner and learned
counsel representing the State.

The petitioner seeks bail in connection with Angarh P.S
Case No. 22 of 2015 (Special Case No. 46 of 2015) registered for the
offences punishable under Sections 376, 313, 120B of the Indian Penal
Code and under section 4 of POCSO Act.

In compliance of order dated 12.08.2016 victim is present
in the court and she submits that she is residing at the house of the
petitioner in her *sasural* and she has performed marriage with the
petitioner out of her own sweet will without any pressure.

Allegation against the petitioner is that on the pretext of
marriage, the petitioner developed physical relationship with the victim,
resulting, she became pregnant and thereafter pregnancy was aborted,
but then the petitioner refused to marry with her.

Submission is of false implication and that the parties have compromised the case and compromise petition has also been filed in the court below. The victim is residing at the house of the petitioner, to support the marriage, an affidavit has also been done before Notary Public and there is *nikahnama* also.

In the facts and circumstances stated above, as the victim is present in the court and she is supporting that she is residing at the house of the petitioner and she had married with the petitioner out of her own sweet will and, as such, the petitioner is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of the learned 1st Additional Sessions Judge-cum-Special Judge, Purnea, in connection with Angarh P.S. Case No. 22 of 2015, Special Case No. 46 of 2015, subject to the conditions that one of the bailors must be near relative and another having sufficient immovable property within the territorial jurisdiction of the Court concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

(Jitendra Mohan Sharma, J.)

Rajiv/-

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