

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.55034 of 2015

Arising Out of PS.Case No. -145 Year- 2015 Thana -SULTANGANJ District- BHAGALPUR

1. Md. Kamran Mansoori S/o Md. Shamsuddin Mansoori resident of
village - Ghorghat, P.S. Sultanganj, District - Bhagalpur

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Praveen Kumar

For the Opposite Party/s : Mr. A.K.Chaudhary(App)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

7 06-09-2016

The petitioner is apprehending his arrest in a case registered for the offences punishable under Sections 498A, 376 of the Indian Penal Code, Section 3/4 of the Dowry Prohibition Act and Section 4 and 8 of the Protection Of Children From Sexual Offences Act.

The prosecution case is that the petitioner ravished the informant while she was minor and thereafter performed marriage with her but subsequently deserted her.

It is submitted by learned counsel for the petitioner that in the First Information Report the date of occurrence has been mentioned as 17.12.2013, whereas in the case being Case No. 2006 of 2013 lodged before the Women's Commission, it was alleged that she was being ravished on 28.11.2011 and thereafter the petitioner was forced to marry to the informant before the Women's Commission. Hence, in the

circumstance, the petitioner is not ready to keep the informant though he admits performance of marriage and this is also admitted fact that no suit has been filed for annulment of marriage till date. However, the petitioner is ready to make payment of one time settlement amount.

It is submitted by learned counsel for the informant that informant is only ready for resumption of conjugal life and she is not ready to accept the offer of payment of one time settlement amount.

In the circumstances discussed above, the reconciliation does not appear to be feasible at present.

Let learned Court below consider the prayer for bail of the petitioner, keeping in view of the inherent inconsistency in the prosecution case as well as inconsistent stand of the parties, if the petitioner surrenders within a period of six weeks in connection with Sultanganj P.S. Case No. 145 of 2015, pending in the Court of learned 1st Additional Sessions Judge-cum-Special Judge, POCSO Act, Bhagalpur.

With the observations above, the application stands disposed of.

(Dinesh Kumar Singh, J)

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