

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39556 of 2016

Arising Out of PS.Case No. -151 Year- 2012 Thana -KATRA District- MUZAFFARPUR

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1. Md. Zafar Sheikh @ Md. Zafar son of Md. Akhtar Resident of Village -
Sonepur Gotoli, P.S. - Katra, District - Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ravi Ranjan

For the Opposite Party/s : Mr. Sri Amitesh Kumar

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

5 07-12-2016 Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor for the State.

Although there is allegation of rape against the petitioner but submission on behalf of the petitioner is that the present case was lodged under misconception. Moreover, after institution of the present case, the victim has already solemnized her marriage with the petitioner and the aforesaid fact has been mentioned by Sessions Judge in his impugned order.

No doubt, the solemnization of marriage does not reduce the seriousness of offence of rape but the aforesaid factor can be considered for grant or refusal of bail of the accused.

In view of the aforesaid submission as well as facts and circumstances of the case, petitioner is directed to be released on



bail on furnishing bail bonds of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st class, Muzaffarpur in connection with Katra P.S.Case No. 151 of 2012, subject to the condition that before acceptance of bail bonds of the petitioner, the trial court/concerned court shall record the statement of the victim after proper verification by her learned counsel and if the victim states regarding the above stated marriage, then, in that circumstance, the trial court/concerned court shall release the petitioner accepting the bail bonds but if the victim negates the factum of marriage, the petitioner shall not be released on bail.

(Hemant Kumar Srivastava, J)

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