

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.73605 of 2018

Arising Out of PS. Case No.-5 Year-2018 Thana- MAHILA P.S. District- Purnia

Md. Shamsad @ Shamshad Alam, Son of Late Aiyub, Resident of Village-
Jhauwari, P.S.- Jalagarh, District- Purnea.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ram Prawesh Kumar, Adv.

For the Opposite Party/s : Mr. Awadhesh Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 20-12-2018 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is apprehending arrest in a case registered
for the offences punishable under Sections 376/420 of the Indian
Penal Code.

The prosecution case is that on the pretext of marriage, the
petitioner used to establish physical relationship with the
informant.

It is submitted by learned counsel for the petitioner that the
victim is a major by age and in the statement recorded under
Section 164 of the Cr. P.C., the victim got her age recorded as
18 years, whereas, the learned Court below has assessed her age
as 19 years, wherein she has stated that she has married the
petitioner and the petitioner is keeping her with dignity and



honour. However, she lodged the case. She has further stated that she became pregnant prior to the marriage. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

It is submitted by learned APP for the State that there is specific accusation against the petitioner.

Considering the fact that the victim is major and in the statement recorded under Section 164 of the Cr.P.C. she admits the factum of marriage, coupled with statement made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent, let the above named petitioner be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned SDJM, Purnea, in connection with Mahila P.S. Case No.05 of 2018, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

Ashwini/-

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