

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31033 of 2018

Arising Out of PS.Case No. -100 Year- 2017 Thana -JALE District- DARBHANGA

Khushnawaj, Son of Md. Alam, Resident of Village- Chandradeepa, Police
Station- Jalley, District- Darbhanga. Petitioner/s
Versus

1. The State of Bihar.
2. Arshi Khatoon, Daughter of Md. Shamim, Resident of Village-
Chandradeepa, Police Station- Jalley, District- Darbhanga.
.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mazharul Hassan
For the Opposite Party/s : Sri Rana Randhir Singh

CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR
ORAL ORDER

3 06-07-2018 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner seeks bail in connection with Jalley
P.S. Case No. 100 of 2017 registered for offences punishable
under sections 341, 323, 354 (A), 354 (D), 384, 389, 506/34 of the
Indian Penal Code and 4/6 of the POCSO Act.

Allegation as per written report is that this petitioner
used to tease the informant and also snapped some photographs
on the point of pistol and thereafter started extorting money and
hurling threat that in the event of refusal to make payment he
would display her photographs in public by mobile.

It has been submitted that the petitioner and informant
are resident of same place. The marriage of the informant was
settled with this petitioner but subsequently it could not be



materialized. The allegation of teasing and snapping photographs of the victim by mobile phone is baseless and only to harass the petitioner he has been made accused in the present case with false and frivolous allegation. The petitioner and informant were at talking term after settlement of their marriage. The informant gave several letters to the petitioner after negotiation of their marriage which is apparent from annexures attached with this application. The petitioner and informant used to meet themselves occasionally, as it appears from the statement of witnesses recorded at paragraphs 17 and 18 of the case diary.

The learned Additional Public Prosecutor, on the other hand, opposed the submission.

On perusal of FIR and case diary it appears that both the parties are resident of same place. Some of the witnesses have stated that the marriage of this petitioner was settled with the informant but unfortunately the same could not be solemnized. The petitioner is in custody since 25.1.2018 having clean antecedent.

Considering the facts and circumstances of the case, the prayer for bail of the petitioner is allowed and he is directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of 1st



Additional Sessions Judge-Cum-Special Judge, POCSO Act,
Darbhanga in connection with Jalley P.S. Case No. 100 of 2017,
subject to the following conditions:-

- (i) One of the bailors of the petitioner shall be a local person having sufficient immovable property within the jurisdiction of the concerned Court.
- (ii) The petitioner will not induce any witness or tamper with the evidence.
- (iii) The petitioner shall cooperate in the disposal of trial and make himself available as and when required by the court.

(Sanjay Kumar, J)

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