

Criminal Miscellaneous No.41861 of 2018

1. Md. Hanjala @ Md. Hanjela @ Md. Henjala son of Abdul Rashid
resident of Mohalla Nongola, P.S. Sadar, District Purnea. Petitioner/s
Versus

Appearance :

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

Petitioner seeks bail in a case registered for the offences punishable under Sections 376,420 of the Indian Penal Code and Sections 6,8 and 12 of the POCSO Act.

Allegation is that the petitioner came in physical relation with the informant aged about 14 years.

Submission of the learned counsel for the petitioner is that the victim voluntarily married with the petitioner and an affidavit was sworn before the Notary Public by both of them, containing joint photographs, on 29.12.2017 itself. In the affidavit, she has not disclosed her date of birth, though the petitioner had disclosed his age in his affidavit. After matrimonial dispute arose, the present false case has been lodged.



Learned counsel for the informant opposed the prayer for bail on the ground that the victim was a minor, which would be evident from her date of birth 01.01.2004 recorded in the Aadhar Card.

The Doctor has assessed her age in between 16-17 years as per the medical report.

Considering the affidavit sworn by the petitioner in support of marriage much prior to the filing of the present FIR, it is evident that the petitioner married first with the victim and thereafter was in physical relation with her, hence, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Mahila Police Station Case No.12 of 2018 (CIS Case No.31 of 2018) subject to the condition that both bailors shall be resident of territorial jurisdiction of the learned court below and further the petitioner shall fully cooperate with the investigation/trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the petitioner.

(Birendra Kumar, J)

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