

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.53013 of 2018

Arising Out of PS.Case No. -8 Year- 2018 Thana -MAHILA PS District- DARBHANGA

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Md. Kalimullah @ Tabrez, S/o Md. Hamiduzzoha, R/o Mohalla-
Maulaganj, Ward No. 28, P.S.- Laheriasarai, District- Darbhanga.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rama Kant Sharma, Sr. Advocate
Mr. Anwar Karim, Advocate

For the Opposite Party/s : Mr. Uday Chand Prasad, APP

For the Informant : Mr. Manish Kumar No.13, Advocate
Mr. Rohit Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

4/ 27-09-2018

Heard learned counsel for the petitioner and learned

APP for the State as well as counsel for the informant.

Petitioner seeks bail in **Darbhanga Mahila P.S.**

Case No.08 of 2018 instituted for the offence under Section(s)
498-A, 376, 504 Indian Penal Code.

The informant has alleged in the written report that she is aged about 27 years. She was employed in the Nursing Home. She has developed intimacy with this petitioner for the last three years. The petitioner established physical relationship with her on the pretext of performing marriage with her but finally he did not perform marriage. It is further alleged that on pressure he performed marriage on 10.04.2017 as per Muslim



rites and customs, but he used to give threat to the informant.

Counsel for the petitioner submits that informant is a married lady aged about 27 years. She has filed instant case only to give pressure to perform marriage with her. It is further submitted that *Nikhanama* dated 20.07.2017 was later on cancelled by *Imarat Shariah*, Phulwarisharif, Patna, vide Annexure-9.

Counsel for the informant has appeared and opposed the prayer for bail. It is submitted that informant was sexually exploited.

This Court after looking into allegation in the written report finds that informant is major and even the allegation of establishing physical relationship is taken to be true, it appears that it continued for three years and, therefore, it appears to be relationship with consent.

In the facts and circumstances of the case, prayer of the petitioner for grant of bail is allowed. Let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of the **Sub-Divisional Judicial Magistrate, Darbhanga**, in connection with **Darbhang Mahila P.S. Case No.08 of 2018**, subject to the condition that both the



bailors shall be close relative of the petitioner.

(Sanjay Priya, J)

**JA/-
Rohit Kr.**

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