

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10671 of 2018

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1. Md. Akhtar @ Md. Akhtar Hussain, S/o Shamim, r/o Bhorah, P.S.-
Tedhagacch, District- Kishanganj.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Diwakar Sinha, Advocate

For the Opposite Party/s : Smt. Renuka Ratnakar, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3/ 21-03-2018

Heard learned counsel for the petitioner and learned

APP for the State.

Petitioner apprehends his arrest in **Kishanganj**

Mahila P.S. Case No.35 of 2017 instituted for the offence under
Section(s) 376, 323, 504/34 Indian Penal Code and Section 4 of
the POCSO Act.

Counsel for the petitioner submits that marriage of
the informant-victim has already been performed with this
petitioner. In support of such marriage, *Nikahnama* dated
08.11.2017, has been enclosed as Annexure-3. The victim has
given statement under Section 164 Cr. P.C., wherein, she has
stated that this petitioner had promised to marry her and
established physical relationship with her on such promise. The
petitioner has agreed for the marriage, but his family members
did not agree for the marriage in the *Panchayati*.

Counsel for the petitioner has submitted that



marriage has already been performed between the petitioner and the victim girl, which will be apparent from *Nikahnama* (Anneuxre-3).

In the facts and circumstances of the case, prayer of the petitioner for grant of anticipatory bail is allowed. In the event of surrender/arrest of the petitioner, named above, within six weeks from today in connection with **Kishanganj Mahila P.S. Case No.35 of 2017**, he shall be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the **Special Judge (POCSO ACT), Kishanganj**, subject to the conditions as laid down under Section 438(2) Cr. P. C. with further conditions: (1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioner shall cooperate in the trial and shall be present on each and every date fixed by the court and his absence on two consecutive dates without proper and reasonable reason will be liable to cancel his bail bond and (3) if petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(Sanjay Priya, J)

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