

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.60032 of 2017

Arising Out of PS.Case No. -128 Year- 2017 Thana -MAHILA P.S District- SUPAUL

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Ajmal Hussain @ Md. Ajmal Hussain S/o Md. Hasnain, R/o Village-
Aligadh Mohan Nagar, P.S.- & District- Aligadh.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar @ S.K., Advocate

For the Opposite Party/s : Mr. Md. Arif, APP

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CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

3 18-01-2018 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner, who is in custody, seeks bail in connection with POCSO-20/2017 arising out of Mahila Supaul P.S. Case No. 128 of 2017 registered for the offence punishable under Sections 376, 372, 420 and 509 of the Indian Penal Code and under Section 4 and 6 of POCSO Act.

Informant in her fardbeyan on 30.08.2017 has sated that four days earlier the petitioner enticed her and took away in his house, where the petitioner forcefully solemnized marriage with her and thereafter established physical relationship. The petitioner who was married and had three daughters and one son and he had earlier married her elder sister but subsequently



divorced her.

Learned counsel for the petitioner submitted that petitioner is quite innocent and has been falsely implicated in this case. It has further been submitted that petitioner was married to her elder sister and due to short temperament and demanding nature he divorced her. It has been further submitted by the learned counsel for the petitioner that informant was examined during Trial as P.W.1 in which she stated that marriage between her and accused was solemnized as per Muslim rites and customs and on fardbeyan she has denied her signature but admitted her thumb impression. She has admitted filing of compromise petition in the case and has further stated that she had married accused petitioner and wants to live with him. Under Mohammadan law the marriageable age of girl is the age she attains puberty. A Vakalatnama has been filed by one Ibrahim to oppose prayer for bail but he is neither informant nor aggrieved party as such has no *locus standi* to oppose the prayer for bail of petitioner. It has further submitted that petitioner has no criminal antecedent and he is in custody since 30.08.2017.

Considering the aforesaid facts and circumstances of the case, let the petitioner named above be released on bail upon furnishing bail bond of Rs. 10,000/- (ten



thousand) with two sureties of the like amount each to the satisfaction of learned A.D.J., 1st Supaul, in connection with POCSO-20/2017 arising out of P.S. Case No. 128 of 2017.

(S. Kumar, J)

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