

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5648 of 2019

Arising Out of PS. Case No.-346 Year-2018 Thana- SIKARPUR District- West Champaran

SOHAIL Md. Aslim Resident of Village-Gauspura Pind, Ward No. 1, P.O.-
Maler Kotla, P.S.- Ahmadnagar Mandi, District - Sugar (Punjab).

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Umesh Chandra Verma, Adv
For the Opposite Party/s : Mr. Ram Naresh Ray, APP

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

2 05-02-2019 Heard learned counsel for the petitioner and learned
counsel for the State.

Petitioner, who is in custody, seeks bail in connection with Shikarpur P.S. Case No. 346 of 2018 registered for the offence punishable under Sections 370/34 of the Indian Penal Code, Sections 9, 10, 11(1) of the Prohibition of Child Marriage Act, 2006 and 23/26 of the Juvenile Justice (Care & Protection of Children) Act, 2015.

Informant has alleged that on 12.09.2018 at about 10:00 AM he received information through Child Line team that Hadish Mian is marrying his minor daughter Hasan Tara Khatoon aged about 11 years. He gave information to Shikarpur P.S. and thereafter Police Officer of Shikarpur P.S. went there with child line team members and inquired about the girl, then



they told that Nikah of his daughter is going on. Since girl was minor, the marriage was stopped keeping in view that (Sohail) petitioner belonged to other State and some untoward incident may occur with their daughter.

It has been submitted on behalf of the petitioner that he is innocent and has been falsely implicated in this case. It has been further submitted that Sections 9, 10 and 11 of the Prohibition of Child Marriage Act, 2006 are bailable in nature. Moreover, his engagement was being performed with the consent of both sides. Petitioner has no criminal antecedent and he is in custody since 14.09.2018.

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 Chief Judicial Magistrate, West Champaran at Bettiah, in connection with Shikarpur P.S. Case No. 346 of 2018 subject to the conditions that:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and his absence on two consecutive dates without proper and sufficient



reason the trial court will be at liberty to cancel his bail bond.

(3) If the 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.

(S. Kumar, J)

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