

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59627 of 2019

Arising Out of PS. Case No.-33 Year-2018 Thana- MAHILA P.S. District- Araria

MD. MUSI RAZA @ MUSI RAZA Son of Md. Mustak Resident of Village -
Pethia, P.S.- Simraha, Distt - Araria.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Simran Sultana Wife of Md. Musi Raja Resident of Pethia, P.S. - Simraha,
Distt - Araria.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Alok Kumar Alok
For the Opposite Party/s : Ms.Rina Sinha

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 16-10-2019 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner has renewed his prayer for grant of anticipatory bail in connection with Special (POCSO) Case No. 19 of 2018, arising out of Araria (Mahila) P.S. Case No. 33 of 2018 for the offences alleged under Sections 341, 323, 376, 504, 506/34 of the Indian Penal Code and Sections 3 and 4 of the POCSO Act having earlier been rejected by this Court by order dated 17.01.2019 in Criminal Miscellaneous No. 77134 of 2018.

3. It is submitted that the informant was a major on the date of alleged occurrence and had voluntarily established physical relation with the petitioner. It is further submitted that the petitioner and the informant were duly married on 11.04.2018 itself, which fact however, inadvertently was not brought before this Court. Subsequently a petition has been filed by the informant on 27.07.2019 before the learned Court below wherein



she has duly stated the fact of her marriage on 11.04.2018 with the petitioner.

4. Be that it may, in the event of petitioner's arrest or surrender within four weeks hereof let the above named petitioner be released on provisional bail on furnishing bail bond of Rs.10,000/- [ten thousand] with two sureties of like amount each to the satisfaction of learned 1st Additional Sessions Judge-cum-Special Judge (POCSO), Araria in connection with Special (POCSO) Case No. 19 of 2018, arising out of Araria (Mahila) P.S. Case No. 33 of 2018, subject to the conditions as laid down under Section 438(2) Cr.P.C. and also subject to the following further conditions:

(i) That one of the bailors shall be a close relative of the petitioner.

(ii) That the petitioner shall not indulge in any similar offence till conclusion of the trial.

(iii) That the petitioner shall co-operate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(iv) That the petitioner shall remain physically present in Court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, his bail bond shall be liable to be cancelled by the learned Court



concerned.

(v) That the petitioner shall produce his wife (informant/opposite party no. 2) before the learned court below at the time of surrender.

5. The provisional bail granted to the petitioner shall be confirmed by the learned Court below upon verification within a further period of four weeks after furnishing bail bond that the informant was a major on the date of alleged occurrence and that the marriage between the informant and the petitioner was voluntarily and *bona fide*, conversely, his bail bond shall stand automatically cancelled.

(Vikash Jain, J)

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