

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80532 of 2019

Arising Out of PS. Case No.-271 Year-2019 Thana- MUFFASIL District- West Champaran

1. AKHTAR KHAN S/o Late Ismail Khan R/o village- Koda Beldari, P.S.- Bettiah Mufassil, District- West Champaran
2. Aftab Khan S/o Akhtar Khan R/o village- Koda Beldari, P.S.- Bettiah Mufassil, District- West Champaran
3. Mumtaz Khan S/o Akhtar Khan R/o village- Koda Beldari, P.S.- Bettiah Mufassil, District- West Champaran
4. Shamshad Khan S/o Akhtar Khan R/o village- Koda Beldari, P.S.- Bettiah Mufassil, District- West Champaran
5. Darudan Nesa @ Darun Nesa W/o Akhtar Khan R/o village- Koda Beldari, P.S.- Bettiah Mufassil, District- West Champaran
6. Chunni Khatoon W/o Aftab Khan R/o village- Koda Beldari, P.S.- Bettiah Mufassil, District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sudhir Kumar Tiwary, Advocate
For the Opposite Party/s : Mr. Satyavrat Verma

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 16-12-2019 Heard the learned counsel for the petitioners

and the State.

The petitioners are related to one Arbaz Khan

who appears to have ultimately married the

informant/victim.

The petitioners seek bail in anticipation of their

arrest in connection with Bettiah Mufassill P.S. Case No.

271 of 2019 dated 25.05.2019 instituted for the



offences under Sections 341, 323, 376, 504, 420, 506 and 34 of the Indian Penal Code and 4 and 12 of the POCSO Act.

According to the prosecution version, the informant was subjected to sexual intercourse by her neighbour Arbaz Khan on the pretext of marrying her. However, when the marriage could not be solemnized, the parents of the victim married her off to her cousin. After the aforesaid marriage, aforesaid Arbaz Khan started circulating objectionable MMS and because of that, her husband divorced her. Thereafter Arbaz Khan again entered the scene and promised the informant to marry her and under the garb of the aforesaid assurance, continued to sexually exploit her. When the father of the informant complained against such act of Arbaz Khan to the petitioners, such complaint was not taken seriously and the father of the informant was misbehaved with.

Learned counsel for the petitioners submits that



the aforesaid accusation against the petitioners has been raised by the informant only because they are related to Arbaz Khan. Apart from this, it has been submitted that now that the victim has attained the age of majority, Arbaz Khan has already married her. In support of the aforesaid contention, learned counsel for the petitioners has drawn the attention of this Court to a certificate by *Tanzeem A-imma-e-Masjid, Bettiah* which confirms the fact that the marriage between Arbaz Khan and the informant has taken place. It has also been submitted that now the informant/victim girl has settled down as the married wife of aforesaid Arbaz Khan. This fact was brought to the notice of the court below while the bail petition was moved there.

Considering the aforestated facts, the petitioners are directed to be released on bail, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, on their



furnishing bail bonds in the sum of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions Judge-cum-Special Judge, West Champaran in connection with Bettiah Muffassill P.S. Case No. 271 of 2019, subject to the conditions as laid down under Section 438(2) Cr.P.C.

Should the aforesaid information of the informant having married Arbaz Khan after attaining majority, be found to be incorrect, it would be open for the informant to approach this Court for cancellation of anticipatory bail of the petitioners.

The petition stands allowed to the extent indicated above.

(Ashutosh Kumar, J)

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