

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78582 of 2019

Arising Out of PS. Case No.-116 Year-2019 Thana- MAHILA P.S. District- Araria

MD. SHAHID @ SHAHID, aged about 23 years, (Male), Son of Bholu,
Resident of Village - Rampur, Ward No. - 05, P.S. - Araria (Bairgachhi O.P.),
Dist.- Araria.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr.Ramesh Kumar Singh, Advocate.
For the Opposite Party : Mr.Pramod Kumar Pandey, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 03-12-2019 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner seeks bail in a case for the offence
registered under Sections 376/34 of the IPC, 4 of the POCSO
Act and 4 of Dowry Prohibition Act.

The prosecution story, in brief, is that the informant
was acquainted with the petitioner two years in the marriage
ceremony and he started talking with her on Mobile phone and
on the pretext of marriage, he started establishing sexual relation
with her since one year. On 03.09.2019 at about 9 hours, he
called upon the informant for solemnizing court marriage but
the informant wanted to marry with him according to Muslim
rites and rituals and on that score there was hot talk started in



between the informant and this petitioner at Check-Post, Mirzabhad and the nearby people tried to pacify the matter and then this petitioner sent her back to village-Kakan. A panchayati was held, but the accused persons denied to marry the informant with this petitioner on account of dowry demand.

It has been submitted by learned counsel for the petitioner that the petitioner is in custody since 04.09.2019. The petitioner has got no criminal antecedent. Charge sheet has been submitted in the present case. There is no allegation of tampering with the witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case. It is further submitted that consensual physical relationship is said to have been established on the pretext of marriage. The petitioner has further relied upon the case of the Hon'ble Supreme Court since reported in 2019 SCC Online SC-3100 (Dr. Dhruvaram Murlidhar Sorav-Versus-The State of Maharashtra and Ors). Since it is consensual physical relationship, no offence under Section 376 of the IPC is made out.

On behalf of the State, it is submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner above named, be released on bail on furnishing



bail bonds of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions-cum-Special Judge, Araria, in connection with Araria (Mahila) P.S. Case No. 116 of 2019, corresponding to Special (POCSO) Case No. 54 of 2019.

(Sudhir Singh, J)

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