

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 26724 of 2020

Arising Out of PS. Case No.-131 Year-2019 Thana- MAHILA P.S. District- Araria

Nanhan @ Md. Nanha @ Nanha S/o- Salim @ Md. Salim Resident of Village
- Singar, Mohni, P.S. - Jokihat, District – Araria ... Petitioner
Versus

1. The State of Bihar
 2. Ghazala Perween D/O- Late Nasimuddin Resident of Village - Singar,
Mohni, P.S. - Jokihat, District - Araria.
- Opposite Party

Appearance :

For the Petitioner : Mr.Md. Naushad Uzzoha, Advocate
For the State : Mr. Anil Kr.Singh, Addl Public Prosecutor
For the opp.party no.2 :

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 13-10-2020 Heard learned counsel for the petitioner, the State and
opposite party no.2 through Video Conferencing.

The petitioner seeks bail in a case registered for the
offence punishable under sections 376, 341, 323, 506/34 of the
Indian Penal Code and under sections 3/4 of the Dowry
Prohibition Act.

As per the written report dated 19.9.2019 of opposite
party no.2, petitioner continuously established sexual relation
with her on the pretext of marrying her and when she asked her
to marry, the petitioner threatened to ruin her entire parental
family. Meantime, her father married her to one Md. Farooque
but when he knew that she is carrying two months pregnancy
from before, he broke up the relation and sent her to her parental



house. Thereafter, petitioner married her and both of them started living together. It is alleged that soon thereafter the petitioner and his family members started subjecting her to cruelty and harassment for fetching dowry and on being failure they ousted her from her in-laws house.

Learned counsel for the petitioner submits that the petitioner and the opp party no.2 are cousin. He submits that the petitioner solemnized marriage with her and both were living happily. However, due to some dispute she left his house. In paragraph 14 of the bail petition, the petitioner has averred that he is ready to keep the opposite party no.2 and the child with full dignity and respect and wants to live a happy conjugal life. Petitioner is in custody since 27.10.2019.

Learned counsel for opposite party no.2 submits that opposite party no.2 is ready to live with the petitioner provided he keeps her with dignity and safety.

In view of the undertaking given by the petitioner in paragraph 14 of the bail petition, petitioner is allowed provisional bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Sub Divisional Judicial Magistrate Araria in Araria(Mahila) Police Station Case No. 131/2019 on the



following conditions:-

Within a period of two weeks from the date of release, petitioner will go to the parental house of opposite party and bring her to his house. Thereafter they would physically appear before the Court below and file a joint petition to this effect within the said period.

If the petitioner fulfils the condition, the instant provisional bail would be confirmed, otherwise appropriate order would be passed by the Court below.

Bail application is allowed with the aforesaid condition.

(Prabhat Kumar Singh, J)

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