

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59509 of 2019

Arising Out of PS. Case No.-1143 Year-2018 Thana- SAHARSA COMPLAINT CASE
District- Saharsa

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MD. UMAR S/o- Md. Munna Resident of Village- Nauhatta, Ward No. 7, P.S. Nauhatta, District- Saharsa.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Najrana Khatoon D/O - Md. Rahil, W/O- Md. Umar Resident of Village- Nauhatta, Ward No. 7, P.S. Nauhatta, District- Saharsa.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Nafisuzzoha

For the Opposite Party/s : Mr. Ram Naresh Ray

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CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

4 24-01-2020 Heard learned counsel for the petitioner and learned counsel for the State.

The petitioner apprehends his arrest in a case registered for the offence punishable under Section 323, 504, 498(A) of the Indian Penal Code.

Informant has alleged that her marriage was solemnized with petitioner on 16.11.2017 as per Muslim rites and customs and she stayed in her matrimonial home for 9 days and thereafter she was told that after six months when the petitioner will come back from Delhi, the Ruksadi will be performed but it never happened and accused persons demanded motorcycle and cash of one lacs in lieu of Ruksadi. After



examination of complainant on SA as well as other witnesses under Section 202 Cr.P.c. the learned Magistrate found prima facie case to be made out under Sections 323, 504 and 498 A of Indian Penal Code and on 06.04.2019 and issued summons for appearance of petitioner.

It has been submitted on behalf of the petitioner that he is innocent and has falsely been implicated in this case. Petitioner was a minor and he was forced to marry the complainant. The petitioner has filed a complaint case against the complainant and her family members under the provisions of Child Marriage Act. Complainant is not legally wedded wife of petitioner and she never lived in her matrimonial house. It is submitted that petitioner is a student and if he is not granted anticipatory bail, his career will be ruined. Petitioner has no criminal antecedent.

Learned counsel for the informant has vehemently opposed the prayer for bail of the petitioner.

Considering the aforesaid facts and circumstances of the case, let the petitioner named above be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from today, on furnishing bail bond of



Rs. 20,000/- with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with Complaint Case No.1143 C/2018 subject to the condition as laid down under Section 438(2) of the Cr.P.C with following conditions:-

(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 present on each and every date fixed by the court and his absence on two consecutive dates without proper and reasonable reason will be sufficient 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)

Sanjay/-

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