

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.35175 of 2020**

Arising Out of PS. Case No.-49 Year-2020 Thana- MAHILA P.S. District- Nalanda

Md Shamshad Hussain, Male, aged about 20 years, son of Md. Mansur,  
Resident of Mohalla- Sohsarai (Kharjjama), P.S.- Sohsarai, District- Naland.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Ram Prasad Singh, Advocate

For the Opposite Party/s : Mr.A.G.

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN**  
**ORAL ORDER**

5      17-02-2021                      Heard learned counsel for the petitioner and learned  
A.P.P. for the State.

The petitioner seeks bail in connection with Mahila P.S. (Nalanda) Case No.49 of 2020 registered for the offences punishable under Sections 376, 506/34 of the Indian Penal Code.

The prosecution case as stated in the written report made to the S.H.O. of Mahila P.S. Biharsharif by one Afsana Praveen stating therein that her marriage was settled with one Md. Nehal, son of Md. Nazam, resident of village – Maira, P.S. Katrisarai, District- Nalanda. Accordingly, pre-marriage ceremony like “Mangani” had also been performed and marriage was to be solemnized after Eid festival. After settlement of the marriage her would be sister-in-law (Nanad) namely Famida Khatoon, wife of Mansur and her son Shamshad Hussain, resident of Moh.- Sohsarai (Kharjjama) started to come at her house regularly. Meantime, on 30j.01.2020, the informant and her mother, younger brother went to Mumbai where her



elder sister with her husband residents. Thereafter, on 02.02.2020, Md. Shamshad came there and taken away tem for visiting the places of Mumbai. On 11.02.2020, she along with her mother and would be dewar (Md. Naushad) returned to Patna. Thereafter, all of them went to Biharsharif by a reserved car, when they reached at Biharshari, Sohsarai, Md. Naushad requested them to go to his siter's house in Moh- Kharjjama where on the request of Famida Khatoon, the informant stayed there for a week and her mother went to her own house. On 12.03.2020, Famida came to informant's house and taken away the informant to her house with the consent of her mother. On 13.03.2020, the informant felt headache upon which Md. Shamshad brought some medicine for her. In the night at 8.00 p.m., she took the said medicine and went in sound sleep. When she woke up, she found herself in siminaked condition and Md. Shamshad was found sleeping beside her.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case. He further submits that the petitioner is innocent. Learned counsel for the petitioner further submits that after Mangani ceremony, the informant learnt that Md. Nehal from whom her marriage is going to be solemnized is aged about 45 years and petitioner is aged about 20 years and Md. Nehal is only a simple Tailor at Mumbai. Charge sheet has already been submitted. He further submits that he was not agreeing for that marriage with Md. Nehal, though Mangani ceremony was already held on 14.08.2019 itself.

Learned counsel for the informant submits that the informant is aged about 20 years, who is major. Learned counsel for the informant further submits that the informant is ready to



marry with the petitioner, but the petitioner is not ready to marry with the informant and the informant made statement under Section 164 Cr.P.C. has supported the prosecution case. Petitioner is in jail custody since 09.06.2020.

Learned A.P.P. for the State opposed the bail petition.

Considering the4 submissions of the parties, it is clear that the informant is major and the occurrence has taken place on 14.03.2020 and F.I.R. has been lodged on 28.05.2020 and medical report dated 28.05.2020 shows that there is no sign of rape.

In the facts and circumstances of the case, let the above named petitioner be enlarged on bail after framing of charge on furnishing bail bond of Rs. 25,000/- (twenty five thousand) only with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Nalanda at Biharsharif in connection with Mahila P.S. (Nalanda) Case No. 49 of 2020.

**(Anjani Kumar Sharan, J)**

Nasimul/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

