

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37261 of 2020

Arising Out of PS. Case No.-28 Year-2019 Thana- MAHILA P.S. District- Araria

NOOR MOHAMMAD @ SALMAN Son of Najir Resident of Village -
Bansbari, P.S. - Sikty, Dist.- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ramesh Kumar Singh

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

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 27-10-2021 Supplementary affidavit is filed on behalf of the
petitioner. Let it be kept on record.

Heard Sri Ramesh Kumar Singh, learned counsel for
the petitioner, Sanjay Kumar Singh, learned counsel for the
informant and learned APP, Sri Harendra Prasad for the State.

Petitioner seeks anticipatory bail in Araria (Mahila) P.S.
Case no. 28 of 2019 dated 28.3.2019 registered for the offence
punishable under sections 363, 365, 376 and 379/34 of the
Indian Penal Code.

Learned counsel for the petitioner submits that from
perusal of the allegation as alleged in the FIR, it would manifest
that informant has alleged that on 09.03.2019 she had gone to
attend nature of call at 10 O' clock at night when the petitioner
and Hakim caught her, gagged her mouth and forcibly lifted her



on their motorcycle and subsequently, Azbair and Md. Azam also joined and thereafter all the accused persons proceeded and stopped at one place where accused Azbair and Azam took away her jewelery and thereafter, petitioner brought the informant at the house of his brother-in-law at Kudhaili, Nepal where petitioner sexually exploited her for three days and thereafter, left her at Hasanpur Chowk where the family members of the informant came and brought her to the house.

Learned counsel for the petitioner further submits that prima facie allegation appears to be incorrect for the reason that had the petitioner really taken the informant to Nepal and sexually exploited, he would not have left for coming to her home and disclosing the occurrence.

In this case, learned counsel for the informant has appeared suo motu and has completely agreed with the pleading made at para 11 of the anticipatory bail petition that the informant had solemnized marriage with the petitioner and they are happily enjoying their conjugal life. On query of the court, as to why present FIR was instituted against the petitioner, learned counsel for the informant submits that both of them were in love but their relation was being objected by the family members of the informant and as such present case came to be



instituted.

Learned counsel for the informant further submits that petitioner and the informant after marriage have been blessed by a child also, supplementary affidavit to this effect has been filed by the petitioner.

Since learned counsel for the informant has supported the case of the petitioner and the informant being a major has taken a decision to lead a peaceful marital life and as such this case is a fit case to enlarge the petitioner on anticipatory bail.

In the event of arrest/surrender within ten weeks from today, the petitioner is directed to be released on anticipatory bail on furnishing bail bonds of Rs 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Araria in Araria (Mahila) P.S. Case no. 28 of 2019 subject to the condition under section 438(2) Cr.P.C.

(Satyavrat Verma, J)

s.hassan/-

U		T	
---	--	---	--

