

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2276 of 2021**

Arising Out of PS. Case No.-72 Year-2018 Thana- MAHILA P.S. District- Kishanganj

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KHURSHID ALAM @ KHURSHED ALAM S/O KARIMUDDIN
RESIDENT OF VILLAGE - DAHIBHAT PHULBARI, P.S. -
TERHAGACHHI, DISTRICT - KISHANGANJ

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Bhola Prasad, Advocate.

For the Opposite Party/s : Mr. Nawal Kishore Prasad, APP.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL ORDER

5 29-09-2021 Heard the parties.

The petitioner is languishing in custody for the offence punishable under Sections 376, 341, 323, 225, 313, 511, 504 and 506/34 of the Indian Penal Code.

Allegation against the petitioner is of physical exploitation of the informant on the pretext of marriage. When the informant was pregnant from the petitioner, petitioner refused to marry with her.

The petitioner had come up for bail in Cr. Misc. No. 27188 of 2019. It was submitted before this Court that the petitioner is ready to marry with the informant. Then this Court



allowed provisional bail for six months with direction to the petitioner to marry with the informant.

Learned counsel for the petitioner submits that in fact marriage was solemnized between the two and on that basis the petitioner approached the court below for confirmation of the provisional bail.

By the impugned order dated 19.08.2020, the court below declined to confirm the bail as the petitioner had not married with the informant.

Learned counsel for the petitioner relied on Annexure-3 which is a compromise petition filed before the court below under Section 320 Cr.P.C.

When the petitioner was asked by this Court to produce the informant to support the compromise, it was informed by learned counsel for the petitioner that the informant is traceless.

The report of the learned trial Judge reveals that the trial is under progress. Four out of eight prosecution witnesses have already been examined.

Considering the nature of allegation against the petitioner, I am not inclined to enlarge him on bail in connection with S.T. No. 98/2019 arising out of Kishanganj Mahila P.S.



Case No. 72 of 2018.

Hence, prayer is refused.

Learned trial Judge is directed to expedite the trial.

(Birendra Kumar, J)

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