

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6373 of 2021

Arising Out of PS. Case No.-235 Year-2020 Thana- NAANPUR District- Sitamarhi

1. BADRE ALAM, Son of Late Md Ainul Haque, Resident of Village - Budhanagra, P.S.- Nanpur, District - Sitamarhi
2. Mokima Khatoon, Wife of Badre Alam, Resident of Village - Budhanagra, P.S.- Nanpur, District - Sitamarhi
3. Mahtab @ Md. Mahtab, Son of Badre Alam, Resident of Village - Budhanagra, P.S.- Nanpur, District - Sitamarhi
4. Nazre Alam @ Md. Nazre Alam, Son of Badre Alam, Resident of Village - Budhanagra, P.S.- Nanpur, District - Sitamarhi
5. Md. Mahboob @ Mahboob Alam, Son of Samad, Resident of Village - Bthuli, P.S.- Nanpur, District - Sitamarhi
6. Md. Matloob @ Gore, Son of Samad, Resident of Village - Bthuli, P.S.- Nanpur, District - Sitamarhi
7. Maksood Alam, Son of Samad, Resident of Village - Bthuli, P.S.- Nanpur, District - Sitamarhi
8. Nazrana Praveen, Wife of Md. Mahboob @ Md. Mahboob Alam, Resident of Village - Bthuli, P.S.- Nanpur, District – Sitamarhi ... Petitioners

Versus

The State of Bihar

... Opposite Party

Appearance :

For the Petitioners : Mr. Mithilesh Kr. Arya, Adv.
For the Opposite Party : Mr. Ashok Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 14-12-2021 Heard Mr. Rajeev Kumar, learned Advocate for the petitioners and Mr. Ashok Kumar Singh, learned Additional Public Prosecutor for the State.

The petitioners seek bail in anticipation of their arrest in connection with Nanpur P.S. Case No. 235 of 2020 dated 27.06.2020 instituted for the offences under Sections 341, 323, 354, 376, 504, 506 and 34 of the Indian Penal Code.

The accusation in the first information report which



has been lodged by the prosecutrix is that one Noor Alam had developed relationship with her while visiting his sister who is married in the same village as that of the prosecutrix. On the assurance of marriage, aforesaid Noor Alam established physical relationship with her for about four years but never married her. Only recently, she has come to learn that Noor Alam has stealthily married some body else.

Hence, the aforesaid FIR.

The learned counsel for the petitioners has submitted that the fact of the victim/prosecutrix continuing with her relationship with Noor Alam was not known to the petitioners notwithstanding the fact that they are all related to him. The petitioners no. 1 and 2 are the parents of aforesaid Noor Alam whereas the others petitioners are directly related to Noor Alam. The entire accusation is against aforesaid Noor Alam who maintained relationship with the prosecutrix for a long time on the pretext of marrying her.

Later it appears that only when the prosecutrix learnt about the marriage of aforesaid Noor Alam with some body else, then this case has been lodged.

There is no specific accusation of the petitioners having persuaded Noor Alam not to respect his promise which



he had made to the prosecutrix or of their having helped Noor Alam in any manner whatsoever.

Noor Alam is in custody as has been informed by the learned counsel for the petitioner.

Regard being had to the aforesaid facts, the petitioners are directed to be released on bail, in the event of their arrest or surrender before the Court below within a period of four weeks from the date of receipt/production of a copy of this order, on their furnishing bail bonds in the sum of Rs.10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge VI-cum-Special Judge (POCSO), Sitamarhi, in connection with Nanpur P.S. Case No. 235 of 2020, subject to the conditions as laid down under Section 438(2) of the Criminal Procedure Code.

(Ashutosh Kumar, J)

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