

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3065 of 2021

Arising Out of PS. Case No.-123 Year-2020 Thana- SONBERSA District- Sitamarhi

Waseem Ahmad, S/o Isha Darji, Resident of Village- Bhutahi, P.S.- Sonbarsa,
District- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Uday Kumar, Adv.

For the Opposite Party/s :

CORAM: HONOURABLE MR. JUSTICE A. M. BADAR
ORAL ORDER

5 18-11-2021 This is an application for bail by accused Waseem Ahmad in Crime No.123 of 2020 registered with Police Station Sonbarsa for the offences punishable under Sections 376, 420, 504, 506 read with 34 of the I.P.C.

Heard the learned counsel for the applicant/accused. He argued that perusal of the FIR as well as statement under Section 164 of the victim of the crime in question goes to show that relationship between the applicant and the victim was consensual in nature. By drawing my attention to the statement under Section 164 of the Cr.P.C., the learned counsel argued that the victim has categorically stated that she married the applicant at Delhi and then they stayed together at Delhi for a period of two years. According to the learned counsel for the applicant, because of dispute between the parties, the FIR came to be lodged.



None appeared for the prosecution.

Mr. Pushpendra Kumar Singh, the learned counsel appears for the victim of the crime and argued that at the time of the crime in question, the victim was minor. On false promise of marriage, the applicant had committed forcible sexual intercourse with her. It is further argued that now the victim has begotten child.

I have considered the submissions so advanced and also perused the materials placed before me. Statement of the victim shows that because of love relations between her and the applicant, she elope from house and cohabited with the applicant for a period of two years at Delhi. As per statement of the victim made to the learned Judicial Magistrate, Ist Class, she married the applicant at Delhi but she is not having any certificate of marriage. The victim has taken her age as 19 years while recording her statement under Section 164 of the Cr.P.C. Even in the FIR, the victim has sought to make out a case of forcible sexual intercourse on pretext of marriage as well as her prolongs cohabitation with the applicant at Delhi.

Investigation of the crime in question is over. The charge sheet has already filed.

Considering the nature of accusation levelled by the



prosecutrix so also the fact that she herself has claimed that she married the applicant at Delhi, I am of the considered opinion that pretrial detention of the applicant is not warranted and, therefore, the order:-

i. The application is allowed.

ii. The applicant/accused in Crime No. 123 of 2020 registered with police station Sonbarsa is directed to be released on bail on executing P.R. bond of Rs.15,000/-(Rupees Fifteen Thousand) and on furnishing surety of the like amount to the satisfaction of the trial court with the following conditions:-

(I) The application/accused should not extend any threat, promise of inducement to the persons acquainted with the facts of the accusation against him so as to dissuade him from disclosing such facts to the Court or to any police officer.

(II) The applicant/accused should cooperate the trial in expeditious disposal of the trial against him.

(A. M. Badar, J)

Prakash Narayan /-

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