

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9416 of 2022**

Arising Out of PS. Case No.-176 Year-2019 Thana- SINGHWARA District- Darbhanga

ALI RAJA @ MD ALI RAJA Son of Anwarul Haque Resident of Village -
Katka Nimtale, P.s.- Singhwara, Distt.- Darbhanga.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sumit Shekhar Pandey
For the Opposite Party/s : Mr.Anil Kumar

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 27-07-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Singhwara P.S. Case No. 176 of 2019 registered for the alleged offences under Sections 323, 307, 376, 504, 506 and 34 of the Indian Penal Code and Section 4 of POCSO Act.

The prosecution case is that the petitioner enticed the minor informant in establishing sexual relationship with him on pretext of marriage. It is further alleged that he used to



prepare video and took obscene photographs of the informant and blackmailed her. When the proposal for marriage was given to the father of the petitioner, the co-accused father of the petitioner along with other co-accused persons assaulted the brother of the informant and tried to strangle him.

Learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this case. The informant is not a minor and her matriculation marksheet show the date of her birth to be 15.02.2000 and even during medical examination her age was assessed to be 18-19 years by the doctor. So she has understanding of her act and willingly established relationship with the petitioner and she could not claim that she was minor during that period. Furthermore, there is no evidence of assault or injury on the body of the informant and no spermatozoa had been found. Learned counsel further submits that the allegation of assault on the brother of the informant is not against this petitioner. In fact, the petitioner himself is the victim. He was forcibly married to the informant and on his refusal he was assaulted and photographs in this regard has been filed on record. Learned counsel further submits that the charge sheet has been submitted and the petitioner is in custody since



27.09.2021.

Learned APP for the State opposes the prayer for bail of the petitioner submitting that the petitioner established sexual relationship with minor informant and refused to marry her and assaulted her brother.

Having regard to the submissions made hereinabove and considering the fact that the informant appears to have established relationship with the petitioner willingly and considering her age at that time it could not be said that she was unable to comprehend the consequence of her act and further considering the fact of submission of charge sheet as well as the period of custody of the petitioner, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Darbhanga in connection with Singhwara P.S. Case No. 176 of 2019, subject to the following conditions :

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the



court below.

(iii) In case of absence for three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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