

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20776 of 2021

Arising Out of PS. Case No.-398 Year-2020 Thana- GHORASAHAN District- East
Champaran

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IMAM KHAN, Son of Ramaul Khan, Resident of Village - Sripur Utwari
Pathan Toli, P.S.- Ghorasahan, District - East Champaran.

... .. Petitioner

Versus

The State of Bihar.

... .. Opposite Party

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Appearance :

For the Petitioner	:	Mr. Umesh Chandra Verma, Advocate Mr. Abhishek Kumar, Advocate
For the State	:	Mr. Rajendra Nath Jha, APP

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

3 08-02-2022 Heard learned counsel for the parties through video
conferencing.

Learned counsel for the petitioner is permitted to
remove defect(s), as pointed out by the office, if any, within a
period of four weeks from today.

This application for anticipatory bail arises out of
Ghorasahan P.S. Case No. 398 of 2020 for the offence under
Section 376 of the Indian Penal Code and under Section 4 of the
POCSO Act.

It has been submitted by learned counsel for the
petitioner that both the parties were having affair and were
married as per the Muslim rites and the girl is staying in the
house of the petitioner, inasmuch as, a compromise petition has



also been filed by both the parties.

Considered the submissions of learned counsel for the petitioner. In the opinion of this Court, this is not a fit case for grant of anticipatory bail to the petitioner and therefore, the same is dismissed.

The petitioner is directed to surrender in the Court below within a period of two weeks from today and seek regular bail, if so advised. If he does so, his application for regular bail shall be considered by the learned Court below on its own merit without being prejudiced by the fact that the petitioner has moved before this Court for anticipatory bail and the same has been dismissed. The Court below will also consider the fact that the parties have entered into a compromise and they are staying together. This fact can be verified from the victim girl. The Court below will also consider the fact that in Muslim Law, the age of majority of a girl is to be considered on her attaining the puberty.

(Sandeep Kumar, J)

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