

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12731 of 2022**

Arising Out of PS. Case No.-77 Year-2021 Thana- MAHILA PS District- Darbhanga

MD. SHAMSUDDIN SON OF MD. MOHIUDDIN R/O VILLAGE-
JALWARA, P.S.- KEOTI, DISTRICT- DARBHANGA

... .. Petitioner/s

Versus

1. The State of Bihar
2. MRS. GHUFRANA NAAZ WIFE OF MD. SHAMSUDDIN , D/O- MD. NIZAM R/O VILLAGE- MJALWARA, P.S.- KEOTI, DISTRICT- DARBHANGA

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md. Kamran

For the Opposite Party/s : Mr.Amitesh Kumar

**CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER**

2 13-06-2022 Heard learned counsel appearing on behalf of the
petitioner and learned A.P.P. for the State.

Let the defect(s) be removed within two weeks of the
complete start of the physical Court in normal course.

The petitioner seeks regular bail in connection with
Mahila P.S. Case No. 77 of 2021, for the offence punishable
under Sections 323, 504 and 376/34 of the Indian Penal Code.

The prosecution case, in brief, is that informant was
married with Md. Irfan @ Pappu according to Muslim law and
rituals. The informant has made allegation that petitioner had
entered into sexual relationship with the informant on the
allurement of marriage and in course of the said relationship,



she conceived.

Learned counsel appearing on behalf of the petitioner submits that petitioner is innocent and he had entered into love affairs with the informant, who is neighbour and subsequently got married and in this respect, he has made specific statement in paragraph Nos. 6, 7 and 8 of the bail application. He further submits that he has brought on record the certificate duly issued by Darul Quaza at Emarat-e-Sharia, Patan on 15.08.2021 and Mukhiya of Gram Panchayat Raj Jalwara, Darbhanga, which is Annexure-2 to the bail application.

Taking into consideration the nature of allegation made in the F.I.R. as well as the fact that the petitioner and the informant has entered into matrimonial relationship and to that effect petitioner has brought on record the certificate duly issued by Darul Quaza at Emarat-e-Sharia, Patan on 15.08.2021 and Mukhiya of Gram Panchayat Raj Jalwara, Darbhanga. The Court below is directed to verify the certificate so issued relating to the marriage of the petitioner and if the Court below is satisfied with the said certificate as not being forged one, the petitioner above named is directed to be released on **Provisional bail** on such terms and conditions as he deem fit and proper. The Court below is directed to issue notice to the informant and get



her statement and if the Court is satisfied that both are leading their conjugal life happily and no allegation is being made by the informant against the petitioner, the provisional bail of the petitioner shall be confirmed.

With the aforesaid observations and directions, this application is disposed of.

(Purnendu Singh, J)

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