

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37913 of 2022

Arising Out of PS. Case No.-10 Year-2022 Thana- MAHILA P.S. District- Siwan

Shadab Ahmad @ Sadab Ahmad, son of Zubair Ahmad @ Munnu, Resident
of Village and Police Station- Daraunda, District - Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Tiwary, Advocate
For the State	:	Mr. Choubey Jawahar, APP
For the Informant	:	Mr. Sudhir Kumar Mishra, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 29-09-2022 Heard Mr.Ajay Kumar Tiwary, learned counsel for the
petitioner, Mr. Sudhir Kumar Mishra, learned counsel for the
informant and Mr. Choubey Jawahar, learned APP for the State.

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

The petitioner is in judicial custody in connection
with Siwan Mahila P.S. Case No.10 of 2022 instituted under
Sections 376/34 of the Indian Penal Code.

As per the prosecution story, the informant Reshma
Khatoon had alleged that she was in love with the petitioner
herein for the last ten years and there was an assurance of
'*Nikahnama*' which led to physical relationship between them.



He later went abroad and upon return, although he again made physical relationship, on the proposal of marriage he back tracked and his family members demanded dowry. A '*Panchayati*' was also held but since the same was not heeded to by the accused persons, this FIR was lodged.

Learned counsel for the petitioner submits that he always intended to marrying the lady but due to some confusion, this FIR was lodged. The negotiation was always on and with the consent of the family members, the '*Nikahnama*' between the informant and the petitioner also happened on 21.03.2022.

However, in view of the fact that there was a case against him, he had to come into judicial custody and is in jail since 24.05.2022.

Mr. Sudhir Kumar Mishra, learned counsel for the informant has supported the submission put forward by the learned counsel for the petitioner, furthering his submission that after the '*Nikahnama*' on 21.03.2022, they are/were living as a couple and as such he has chosen not to oppose the bail. He has also provided a photocopy of the '*Nikahnama*'.

Let the same be kept on record.

Mr. Choubey Jawahar, learned APP for the State



submits that although the allegation against the petitioner is there, considering the developments that has happened in between, a lenient view can be taken in the matter.

Considering all the aforesaid fact that subsequent to the love affair between the petitioner and the informant followed by physical relationships and solemnization of marriage (*'Nikahnama'* on 21.03.2022) as also the fact that petitioner do not have criminal antecedent, is in custody since 24.05.2022 and will have ultimately face the trial, this Court is inclined to grant him privilege of bail subject to certain conditions.

Let the petitioner be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each in connection with Siwan Mahila P.S. Case No.10 of 2022 to the satisfaction of learned Sub-Divisional Judicial Magistrate, Siwan, subject to following conditions:

(i) one of the bailor should be the wife of the petitioner and the other his mother and they shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his/her



bail bond by the Trial court itself;

(iii) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

Nothing recorded in this order shall be taken up at the time of Trial which shall be decided on its own merit.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

Prakash Narayan /-

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