

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56736 of 2021

Arising Out of PS. Case No.-99 Year-2021 Thana- JHANJHARPUR District- Madhubani

Abdul Kadir @ Md. Kadir, S/O Late Abdul Khalik, R/O Village- Shatrupatti,
P.S.- Ghoghardiha, District- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Yogendra Kumar, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Sharma, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 04-04-2022 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.

Heard learned counsel for the petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in connection with Jhanjharpur (A.S.O.P.) P.S. Case No. 99 of 2021 for the offences punishable under Sections 376/420 of the Indian Penal Code.

The prosecution case is that one Shahida Khatoon alleged that she was married with Md. Shamsad in the year 2016. Later on, on allurement of marriage made by this petitioner, she developed physical relationship with this petitioner on the premise that he will marry to her after getting Talak from her first husband. It is further alleged that on his



allurement when she took Talak the petitioner refused to marry her.

Learned counsel for the petitioner submits that both the parties are major and from recital of the F.I.R. it appears that there is no allegation that any force/pressure was made on the part of the petitioner, rather both the parties are consenting. It is further submitted on behalf of the petitioner that due to the allegation levelled by the informant, a Medical Board was also constituted and it is opined that there is no evidence of sexual assault at the time of examination. Learned counsel lastly submits that the petitioner is in custody since 30.05.2021 having a man of fair antecedent.

On the other hand, learned counsel for the State has stated that there is allegation of rape against this petitioner.

Having considered the rival submissions of the parties and taking into account the materials available on record, especially in view of the fact that both the parties are major and from the recital of the F.I.R. it appears that both the parties are consenting and this petitioner is in custody since 30.05.2021, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of Additional



Chief Judicial Magistrate-I, Jhanjharpur, Madhubani in connection with Jhanjharpur (A.S.O.P.) P.S. Case No. 99 of 2021 subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial. (ii) He will remain present on each and every date of trial till disposal of the case. (iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial. (iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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