

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63482 of 2021

Arising Out of PS. Case No.-52 Year-2020 Thana- MAHILA P.S. District- Araria

MD. TASAM @ AHITSAM @ MD. EHTASAM S/o Late Md. Muslim R/o
village- Bhuna, Ward No. 06, P.S.- Mahalgaon, District- Araria

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anil Prasad Singh, Adv.

For the Opposite Party/s : Mr.Parmeshwar Mehta, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 17-05-2022 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioner and the learned A.P.P. for the State.

The petitioner seeks bail in a case registered for the offence under Sections 376, 448, 506/34 of the Indian Penal Code.

The petitioner is said to have established physical relation with the complainant on the pretext of marriage and after due course, he denied to perform marriage with the complainant.

Learned counsel appearing for the petitioner submits that the petitioner, who is of clean antecedent, is innocent and



has falsely been implicated in this case. He further submits that no such occurrence as alleged in the F.I.R. has ever taken place. He further submits that the victim in her statement recorded under Section 164 Cr.P.C. has categorically stated that the petitioner has established physical relation with the victim, who is major, with her consent on the pretext of marriage. He, however, further submits that the victim and the petitioner have performed marriage with each other on 12.01.2020, a statement to that effect has been made in paragraph-15 of the petition. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. The petitioner is rotting in judicial custody since 04.08.2021.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the, above named, petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Araria (Mahila) P.S. Case No. 52 of 2020 with the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient



reason, his/her bail bond shall be canceled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) One of the bailors shall be the victim herself, namely, Nahida, who is the complainant of this case.

And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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