

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65530 of 2021

Arising Out of PS. Case No.-18 Year-2020 Thana- MAHILA PS District- Gaya

MD. WAHID S/o Md. Abbas Resident of Village- Salempur, P.S.- Moffasil,
District- Gaya

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	M/s Vikramdeo Singh Vinod Kumar, Advocate
For the Opposite Party/s	:	Mr. Mohammed Arif, Advocate
For the Informant	:	Mr. Shivendra Prasad, Advocate

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 16-05-2022 Heard learned counsel for the petitioner, learned APP
for the informant and learned counsel for the informant.

The petitioner has preferred this application for grant of regular bail in a case registered under sections 376, 354D, 504, 506, 509 and 34 of the Indian Penal Code.

As per the prosecution case, the informant states that making false promise of marriage, the petitioner established physical relations with the informant. In the year 2019, the member of her family was settling the marriage between the informant and Md. Zahid. However, at this time some of the objectionable photographs which had been taken by Md. Zahid were made viral by him. The informant states that she and the petitioner went away together, reached Patna and *Nikah* was



performed. Subsequently it is stated that the petitioner was not ready to take her home and in fact he informed that the members of his family were forcing him to break the marriage. On the informant going to her *sasural*, she was assaulted by the accused persons. They also abused her and forced her out of the house giving threats that she would not be permitted to enter till dowry to the tune of Rs. 5 lacs and a two wheeler vehicle was given.

It is submitted by learned counsel for the petitioner that the petitioner has been falsely implicated in the case. Although it is true that the petitioner and the informant had performed *Nikah*, however, while the petitioner was away in Gujrat earning his livelihood, the informant had an affair with Md. Zahid. Subsequently on the informant refusing to enter into a *Nikah* with Md. Zahid, the said Md. Zahid made some objectionable photographs of the informant viral, as a result of which the relationship between the parties broke down. The petitioner is in custody since 30.7.2021 and has no criminal antecedent.

The application for bail is opposed by learned counsel for the State and learned counsel for the informant.

Having heard learned counsel for the parties and taking into consideration, the material on record including the



allegations against the petitioner in the FIR, the admitted position being that *Nikah* was entered into between the petitioner and the informant together with the contents of the statement of the informant under section 164 Cr.P.C. wherein she categorically states that the petitioner is neither ready to accept her nor to accept the marriage, the Court is not inclined to enlarge the petitioner on bail and the application is rejected.

(Partha Sarthy, J)

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