

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69510 of 2021

Arising Out of PS. Case No.-89 Year-2021 Thana- RAUTA District- Purnia

Mansab @ Md. Mansab, Son of Md. Khalik, Resident of Village- Rasulganj,
P.S.- Raua, District- Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amit Kumar Anand, Advocate

For the Opposite Party/s : Mr.Bharat Lal, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 27-09-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Rauta P.S. Case No. 89 of 2021 registered for the alleged offences under Sections 341, 323, 324, 376, 504, 506 and 34 of the Indian Penal Code.

As per prosecution case, the petitioner established sexual relationship with the informant giving her inducement of marriage. One night the brother-in-law of the informant saw the petitioner and informant in compromising position and the petitioner assured them that he would solemnize marriage with



the informant. But he did not solemnize marriage with her. The petitioner and other co-accused persons assaulted her when she went to his house and refused to marry her.

The learned counsel for the petitioner submits that the from the FIR it is very much clear that the petitioner is innocent and the informant was a consenting party all along and both of them are major. It is also apparent that only when the petitioner refused to marry when the brother-in-law of the informant saw the informant and the petitioner in an objectionable condition, this FIR has been lodged. The petitioner and the informant performed marriage according to Muslim rites and customs and the *Nikahnama* was made but when the petitioner refused to pay the *Nazrana* as per the demand of the father of the informant, the present case has been lodged. The petitioner is in custody since 12.09.2021 and the charge-sheet has been submitted in this case. The petitioner has got clean antecedent.

Learned APP opposes the prayer for bail submitting that the age of the victim has been assessed in medical examination to be 16-18 years.

Perused the records.

Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the



consensual nature of act of the informant and further considering the clean antecedent of the petitioner along with his period of custody and submission of charge-sheet, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-1st Class, Purnea in connection with Rauta P.S. Case No. 89 of 2021, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions :

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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