

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14957 of 2023

Arising Out of PS. Case No.-6 Year-2020 Thana- MAHILA P.S. District- Araria

Md Rahil @ Rahil @ Rahil Alam S/O Mahmuddin R/v- Kesarra, Tola-
Majkuri, Ward No.- 07, P.S.- Jokihat, District- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ramesh Kumar Singh, Advocate

For the Opposite Party/s : Mr. Yogendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 06-07-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since
05.01.2023 in connection with Araria (Mahila) P.S. Case No. 06
of 2020, F.I.R. dated 13.01.2020 for the offences punishable
under Sections 376, 341, 323, 504/34 of the Indian Penal Code
and Section 4 of Dowry Prohibition Act.

According to prosecution case, as per written report of
informant Rumi Begum, is that the petitioner in pretext to
solemnize marriage established physical relationship with
informant since 30.12.2016 to 13.12.2018 and when the
informant requested to solemnize marriage, then accused
petitioner has taken pretext one after another and finally refused
to solemnize marriage with informant being inconnivance with
his family members and relative herein co-accused persons



named in the F.I.R. It is further alleged that when the family members of petitioner at many times other co-accused has denied by scolding the informant and his family and also demanded one motorcycle and Rs.5 lacs cash to arrange marriage between the petitioner and informant.

Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and petitioner has not committed any offence as alleged in the F.I.R. and it has come during investigation that the petitioner has solemnized the marriage with the informant. He further submits that now the matter settled between the parties and the informant has compromise the matter with the petitioner. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in judicial custody since 05.01.2023.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner.

Considering the aforesaid facts and circumstances, let the petitioner, above named, 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 the learned Ritu Kumari, A.C.J.M.-V, Araria in connection with Araria (Mahila) P.S. Case No. 06 of 2020, subject to the following conditions:-

1. One of the bailor should be victim/informant namely, Rumi Begum.

2. 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 absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

3. 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.

4. 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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