

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15044 of 2023

Arising Out of PS. Case No.-307 Year-2021 Thana- BAJPATI District- Sitamarhi

Md. Sheraj @ Sherajuddin, Son of Rejaul Hak @ Md. Rizaul Haque R/V-
Ward no. 5, Madhuban Basaha Paschchimi, Narharpur P.s- Bajpatti Dist-
Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Krishna Prasad Singh, Sr. Advocate
Mr. Ayush Kumar, Advocate
For the Opposite Party/s : Mr. Sanjay Kumar, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 25-05-2023 Heard learned senior counsel for the petitioner and the
learned APP for the State.

The petitioner is apprehending his arrest in connection
with Bajpatti P.S. Case No. 307 of 2021, dated 28.10.2021,
registered for the offence punishable under Sections 363,
366(A), 341 and 323/34 of the Indian Penal Code.

The prosecution case is that the informant alleges that
her minor daughter aged about 16 years has been taken away by
one Md. Danish and the instant petitioner on the motorcycle for
the purpose of solemnizing her marriage.

Learned senior counsel for the petitioner submits that
the F.I.R. is based on extraneous considerations and an after
thought, the veracity of which is doubtful, the same having been



lodged after ten days of the occurrence. Referring to the order dated 06.12.2022 passed by the Additional Sessions Judge-VI-Cum-Special Judge (POCSO, Act), Sitamarhi, whereby the petitioner's prayer for anticipatory bail was rejected, he submits that statement of the victim recorded under Section 164 of the Code of Criminal Procedure-1973 has been taken note of to the effect that victim has stated about solemnizing marriage with the co-accused Md. Danish. Even if the victim is taken to be a minor, no offence is made out against the petitioner as she has solemnized marriage with the co-accused Md. Danish. On account of friendly terms with Md. Danish, the petitioner has been made accused on suspicion and he is having no criminal antecedent.

Learned APP for the State has opposed the prayer for pre-arrest bail.

Considering the rival submissions, nature of allegation levelled against the petitioner and clean antecedent this Court, for the limited purposes of grant of bail, is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail is allowed.

Accordingly, let the petitioner, above named, in the event of his arrest or surrender before the court below within a



period of four weeks from today, 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 Additional District Judge-VI, Sitamarihi in connection with Bajpatti P.S. Case No. 307 of 2021 subject to the conditions as laid down in Section 438(2) of the Code of Criminal Procedure with following conditions:

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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