

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50320 of 2023

Arising Out of PS. Case No.-19 Year-2022 Thana- MAHILA P.S District- West Champaran

Md. Hussain Son Of Samsuddin Devan Resident Of Village Pujahan Patjirwa,
Sheikh Toli, P.S.- Srinagar (PUJAHAN), Dist- West Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rukaya Khatoon Daughter of Hamimudullah Resident Of Village- Pujahan Patjirwa, Sheikh Toli, Ward No. 10, Ps- Srinagar (Pujahan, Dist- West Champaran)

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Abhishek Kumar, Advocate
For the Informant	:	Mr. Gauri Shankar Thakur, Advocate
For the State	:	Mr. Mohammad Sufyan, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 22-09-2023 Heard learned counsel for the petitioner, learned counsel appearing on behalf of the Informant and learned APP for the State.

2. Petitioner seeks bail, who is in custody since 26.04.2023, in connection with Bettiah Mahila P.S. FIR No. 19 of 2022, F.I.R. dated 24.08.2022 registered for the offences punishable under Sections 376, 341, 323, 504, 506/34 of the Indian Penal Code and Sections 4/6 of the Protection of Children from Sexual Offences Act, 2012.

3. Allegation against the petitioner is that he has committed rape upon the victim on the false pretext of marriage.

4. Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has been falsely



implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offence as alleged in the F.I.R. He further submits that in fact the petitioner has performed the marriage (Nikah) with the victim/informant on 26.08.2022 and Nikahnama has been annexed with this petition (Annexure-2). The petitioner is in custody since 26.04.2023.

5. The learned counsel appearing on behalf of the Informant on the basis of instruction submits that the informant/victim has performed the marriage with the petitioner and the Nikahnama which is annexed with this bail petition is genuine.

6. Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-VI-cum-Special Judge, POCSO Act, West Champaran at Bettiah in connection with Bettiah Mahila F.I.R. No. 19 of 2022, subject to the following conditions :-

(i) One of the bailors should be the father of the informant/victim namely Hamidullah, Resident of Village-



Pujahan Patjirwa, Sheikh Toli, Ward No. 10, P.S. Srinagar
(Pujahan), District- West Champaran.

(ii) 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.

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

(iv) 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 antecedents, 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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