

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.58666 of 2022**

Arising Out of PS. Case No.-6 Year-2022 Thana- MAHILA P.S. District- Bhagalpur

Md. Asif Khan @ Chhotu @ Md. Ashif Son of Sahab Khan Resident of  
Village - Narpur Bari Khajarpur, P.S.- Barari, Distt.- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance:**

|                          |   |                                                                                                      |
|--------------------------|---|------------------------------------------------------------------------------------------------------|
| For the Petitioner/s     | : | Mr. Vikram Deo Singh, Sr. Advocate<br>Mr. Ranjit Kumar Yadav, Advocate<br>Ms. Rupam Kumari, Advocate |
| For the Informant        | : | Mr. Dilip Kumar, Advocate                                                                            |
| For the Opposite Party/s | : | Mr. Uma Shankar Prasad Singh, APP                                                                    |

**CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH**  
**ORAL ORDER**

- 3      12-04-2023                      Let the defects, if any, pointed out by the office be removed within four weeks from the date of this order, failing which the matter be listed again under the appropriate heading for necessary action.
2.      Heard learned senior counsel for the petitioner, learned counsel for the informant and the learned APP for the State.
3.      Petitioner seeks regular bail in connection with Bhagalpur Mahila P.S. Case No. 06 of 2022 dated 28.01.2022 registered for the offences punishable under Sections 376, 420, 341, 323, 504, 506 and 34 of the Indian Penal Code.
4.      The main submissions advanced by learned senior counsel for petitioner are that the petitioner and informant are next door neighbours, the FIR itself shows that the informant

was consensual party to the alleged physical relationship with this petitioner and at the time of medical examination she simply got herself examined on the point of age determination and according to medical expert's opinion her age is above 18 years which shows her being a major and the petitioner has been languishing in jail since 06.05.2022. Further submission is that the petitioner always wanted to marry the informant and in the present time he is also ready to marry the informant but on account of his family members, who do not like the informant, he cannot marry the informant and he is a driver by profession and has fair and clean antecedent.

5. Learned counsel for the informant submits that as the petitioner wants to marry the informant and informant is also ready to marry him and there is a dispute relating to the consent of the petitioner's family members hence, in view of this fact petitioner may be granted provisional bail only and in between them as well as in between the family members conciliation should be made.

6. Considering the above submissions and mainly the facts that as per allegation the petitioner established physical relationship with informant on the pretext of marrying her and as per above submission petitioner still wants to marry the

informant and as per medical expert’s opinion the informant is a major girl who is also ready to marry him in the present, so petitioner is granted **provisional bail** for a period of six months and petitioner and informant are directed to remain present before the Court below for conciliation and if both agree to marry and subsequently solemnize marriage then the learned Court below shall confirm the said provisional bail on the same bail bond taken by the Trial Court.

7. If on account of petitioner’s behaviour the said marriage does not take place then the learned Court below shall take strict action against the petitioner by cancelling his bail bond. Accordingly, the instant matter stands disposed of.

**(Shailendra Singh, J)**

Shahnawaz/-

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