

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56136 of 2022

Arising Out of PS. Case No.-71 Year-2021 Thana- MAHILA PS District- East Champaran

Saddam Hussain @ Sadam Hussain Son of Late Reyazuddin Mian, R/V-
Bairiya, P.S- Kesariya, Dist- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mohammad Sufyan, Adv.

For the Opposite Party/s : Mr. Shyameshwar Dayal, APP.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 22-02-2023 Let the defect(s), if any, be removed within two weeks
from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with
Mahila P.S. Case No. 71 of 2021, lodged under Sections 493,
376, 313, 341, 323/34 of the Indian Penal Code.

As per prosecution case, the informant had made
allegation against the petitioner that he has developed physical
relation with her on the ground of marriage but subsequently
refused to marry and, thereafter, the criminal case has been filed
against 4 persons who are petitioner and his entire family
members.

Learned counsel for the petitioner submits that the



entire case is false due to the reason that the date of birth of alleged victim is 16.09.2000 and if it has been assumed that offence is going on since last 2 years then also she was major and, therefore, Section 6 & 8 of the POCSO Act has not been applicable at all. He further submits that it is not a case of rape rather it is a situation, in which, two young person with consent came in contact with each other and developed physical relation and when the petitioner refused to marry then filed this criminal case to create pressure. Learned counsel for the petitioner further submits that due to intervention of well wishers the marriage of victim has been solemnized with other person and a common petition has been filed which is annexed as Annexure-2 of the bail application. He further submits that antecedent of petitioner is clean and he is in custody since 03.09.2022.

Learned counsel for the State opposes the prayer for bail.

In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge-VII-cum-Special Judge, POCSO, East Champaran, Motihari in



connection with Mahila P.S. Case No. 71 of 2021, subject to the conditions as laid down under Section 437(3) of Cr.P.C.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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