

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.193 of 2023

Arising Out of PS. Case No.-80 Year-2022 Thana- HALSI District- Lakhisarai

MD. SHAMIM @ MD. SHAMIM RAZI @ MD. SHAMIM RAJA Son of
Md. Abbas Resident of Village - Chewara, P.S.- Chewara, District -
Sheikhpura

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajnish Chandra

For the Opposite Party/s : Ms.Pushpa Sinha

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 16-05-2023 Heard the parties.

The petitioner apprehends his arrest in connection with Halsi PS Case No. 80 of 2022 dated 22-03-2022 registered under Section 363, 366A of the IPC.

As per the prosecution story, the petitioner was married to the elder daughter of the informant namely, Yani Faruqui and used to come to the house of the informant. He enticed the minor second daughter of the informant and abducted her for the purpose of marriage. The petitioner performed marriage and got it registered before the Marriage Registrar Office at Ghaziabad (U.P.).

Learned counsel for the petitioner submits that the victim girl was mature enough to take her own decision and her



date of birth is 27-09-2004 and on the date of occurrence she was almost 18 years old.

On the other hand, learned counsel for the informant vehemently opposed the prayer for bail and submits that as per the Sharia law the petitioner cannot perform second marriage in the same family with the two sisters without giving divorce to the first wife and no proof has been brought by the petitioner on record that he has divorced the first wife. He next submits that marriage performed by the petitioner with the sister of his first wife is void *ab initio*.

Regard being had to the submission made by the parties, taking into consideration the material on record, the fact that petitioner as well as the victim girl has performed marriage, the girl was almost eighteen years of old and it was a love marriage, as such, I am inclined to grant anticipatory bail to the petitioner.

Let the petitioner, above named, be released on anticipatory bail in the event of arrest or surrender before the court below within a period of four weeks from today on furnishing bail bond of Rs. 10000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, Lakhisarai in connection with Halsi



PS Case No. 80 of 2022 subject to the condition as laid down
under Section 438 (2) of the Cr.P.C.

(Anil Kumar Sinha, J)

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