

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8795 of 2024

Arising Out of PS. Case No.-124 Year-2023 Thana- RAUTA District- Purnia

MD SOHAIL AHMED @ MD.SOHIL S/o Late Yasin Resident of Village-
Kathamatha, P.S.-Kochadhaman, District-Kishanganj.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Diwakar Sinha, Advocate

For the Opposite Party/s : Mr. Anant Kumar 1, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 08-05-2024

Heard the parties.

2. The petitioner is apprehending his arrest in connection with Rauta P.S. Case No. 124 of 2023 for the offence under sections 376, 498(A), 420, 34 of the I.P.C. and 4 of Muslim Mahila Marriage Protection Act, 2019 lodged on 02.08.2023 by the informant, Rijwana Begum.

3. As per the prosecution story, the informant alleged that she was married to one Md. Adnan and later, when she returned her parents' home alongwith her husband, saw him trembling and he was unable to establish physical relationship. When she came out of her room, the brother-in-law (devar) established physical relationship forcibly and this was repeated on the next day. She complained to her parents later, the husband parents came and they accepted that the son is weak,



she should take 'talaq' and marry the younger son, Md. Masaud who has established physical relationship. Accordingly, by pronouncing three words, it is alleged that the husband released her but the brother-in-law chose not to marry. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that so far as the allegation part is concerned, it is on Md. Ahmad Masaud (brother-in-law) who despite she being legally wedded wife of Md. Adnan, forcibly established physical relationship repeatedly. So far as this petitioner is concerned, he is maternal uncle (mama), related to both the sides and an omnibus allegation has been made that he was also the person behind asking the husband to take 'talaq', he do not have criminal antecedent and is ready to abide by all the terms and conditions.

5. Learned APP opposes the prayer stating that allegation against him is also of getting the lady 'talak' which has been declared illegal in this country.

6. Though there is allegation against the petitioner, the main allegation is against the younger brother, Md. Ahmad Masaud, the petitioner do not have criminal antecedent, FIR lodged and will be facing the trial, this Court is inclined to extend him the privilege of anticipatory bail with conditions.



7. Let the petitioner be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Purnea, in connection with Rauta P.S. Case No. 124 of 2023 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any



criminal offence again, failing which the State shall be at liberty
to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

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