

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16225 of 2024

Arising Out of PS. Case No.-26 Year-2023 Thana- MAHILA P.S. District- Araria

Abdul Mannan @ Mannan, aged 28 years, Male, son of Ayas @ Md Ayas @ Aiyas Sah, resident of Village- Balwa Ward No. -01, P.S.- Mahalgaon, District - Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Md Ziaul Quamar, Advocate
For the Opposite Party/s	:	Mr. Rajendra Singh, APP
For the Deponent	:	Mr. Madhav Jha, Advocate
For the Informant	:	Mr. Barun Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

7 27-09-2024 Heard learned counsel for the petitioner; learned counsel for the informant, learned counsel for the deponent and learned Additional Public Prosecutor for the State.

2. By order dated 23.05.2024, the deponent of the present application was directed to file his show cause as to why appropriate action be not taken against him for not disclosing the entire criminal antecedents of the petitioner.

3. The deponent has filed his show cause and submitted that due to inadvertence details about one case out of the five cases could not be disclosed in the bail application. There is no willful latches on the part of the deponent. The deponent has tendered unqualified apology.



4. Considering the reply of the show cause, the same is hereby accepted.

5. The petitioner seeks bail in connection with Mahila (Araria) PS Case No.26 of 2023, dated 14.07.2023, instituted for the offence punishable under Sections 341, 376, 504, 506 of the Indian Penal Code.

6. The prosecution case, in short, is that the informant performed interfaith marriage with Manish Alam about six years and she came to Araria to live with her husband as their parents deserved her on account of interfaith marriage. She has a four years old son from the wedlock. After sometime, her husband went to Delhi to earn his livelihood and the informant was living alone in Araria. Thereafter, Abdul Mannan (Petitioner), who is the friend of her husband, influenced her and established physical relationship with her. When she protested, petitioner used to threaten her and her objectionable photograph was also taken. One day, her in-laws caught her with the petitioner and informed her husband. Thereafter, her husband came from Delhi and a *Panchayati* took place but the petitioner did not come in the *Panchayati*. She wants to live with the petitioner but the petitioner refused to keep her.

7. Learned counsel for the petitioner submits that the



petitioner is innocent and has been falsely implicated in this case. It is further submitted that the informant is a married woman. In absence of her husband, the petitioner established physical relationship with her consent and when her in-laws caught her, present case has been filed. From perusal of the FIR itself, it appears that she wants to live with the petitioner and also wants to marry him and on refusal by the petitioner the present case has been filed. The aforesaid facts is also clear from the statement of the victim recorded under Section 164 Cr.PC. Lastly, it is submitted that the petitioner is in custody since 17.11.2023 and five cases are pending against the petitioner.

8. Learned APP has opposed the prayer for bail.

9. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Araria, in Mahila (Araria) PS Case No.26 of 2023, subject to the conditions (i) that the petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and on his absence on two consecutive dates without



sufficient reason, his bail bond shall be cancelled by the Court below, (ii) that one of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife, (iii) that the bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse, and (iv) that if the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

10. The application stands allowed.

(Khatim Reza, J)

J. Alam/-

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