

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21573 of 2024

Arising Out of PS. Case No.-103 Year-2021 Thana- BHELDI District- Saran

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Gulam Sarwar @ Md. Gulam Sarwar @ Gulam Sarbar @ Md. Manan Rashid
S/o Mr. Mamun Rashid @ Chunnu Miya R/o Vill - Arna, P.S. - Bheldi, Dist, -
Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur, Advocate
For the Opposite Party/s	:	Dr. Mrityunjaya Kr. Gautam, APP
For the Informant	:	Mr. Ram Swarup Pd., Advocate

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CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

4 21-06-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with Bheldi
P.S. Case No. 103 of 2021 dated 30.03.2021, instituted for the
offence punishable under Sections 341, 323, 448, 376, 504,
506/34 of the Indian Penal Code.

3. The prosecution case, in short, is that the petitioner
entered into the house of the informant and locked the room
from inside and ravished her. When the cousin of the informant
had some suspicion that something is going on inside, he locked
the room from outside. Thereafter, the other co-accused persons
named in the F.I.R. came and opened the lock and rescued the
petitioner.



4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in this case. It is further submitted that due to misunderstanding, the case was lodged and after intervention of the well-wishers of both the family, the marriage was performed between the petitioner and the informant on 11.12.2022 in presence of respectable members of the society and the informant was staying in the house of the petitioner alongwith the family members of the petitioner and the matter was settled. It is further submitted that a copy of Nikahnama has also been annexed as Annexure-P/2. It is next submitted that subsequently the present informant started talking with other boys and one night she fled away from the house of the petitioner and when the petitioner made some enquiry from the family of the informant he came to know that she had eloped with one Shamsheer Alam, who is related to the informant through her mother side. It is further stated that the petitioner has knowledge that the informant has performed another marriage with said Shamsheer Alam on 29.11.2023 and is residing with him in Delhi and she has abandoned the petitioner. It is further stated that copy of the Nikahnama bears the signature of informant and Shamsheer Alam, has been annexed as Annexure P/3. Lastly, it



has been submitted that the petitioner is in custody since 20.11.2023, he has no criminal antecedents and charge-sheet has been submitted in the case.

5. Learned A.P.P. has opposed the prayer for bail of the petitioner.

6. 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 learned Chief Judicial Magistrate, Buxar in Bheldi P.S. Case No. 103 of 2021.

(Khatim Reza, J)

Sankalp/-

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