

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31114 of 2024

Arising Out of PS. Case No.-37 Year-2023 Thana- MAHILA P.S. District- Madhubani

Md. Aamir @ Md Amir @ Laddan S/O Late Md Ghulab R/O Village-
Parsouni, Ward No. 9, P.S- Misfi O.P (PATAUNA), Distt.- Madhubani.

... .. Petitioner/S

Versus

1. The State Of Bihar
2. Md Ajim S/O Late Sheik Nathuni R/O Village- Parsouni, Ward No. 4, P.S-
Bisfi O.P (Patauna), Distt.- Madhubani.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N.K. Agarwal, Sr., Adv. Mr. Md. Soban Asghar, Adv. Mr. Arshad, Adv.
For Informant	:	Mr. Rabia Gulnaz, Adv. Mr. Shabina Talat, Adv.
For the Opposite Party/s	:	Mr. Binod Kumar, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 21-05-2024 Learned counsel for the informant has filed
Vakalatnama on behalf of informant.

2. Let the above *Vakalatnama* be kept on record.

3. Heard Mr. N. K. Agarwal, learned senior counsel
for the petitioner, learned counsel for the informant and learned
A.P.P. for the State.

4. The petitioner apprehends arrest in connection with
Mahila P.S. Case No. 37 of 2023 dated 03.08.2023, instituted for
the offence punishable under Sections 323, 341, 376, 504, 506
and 34 of the Indian Penal Code.

5. The prosecution case, in short, is that on



24.07.2023, the petitioner was in objectionable position with the minor daughter of the informant and at that time the brother of the informant reached there and caught both of them in that position. It is further alleged that in the next morning, the accused petitioner assured the informant that he will solemnize marriage with the victim within four days but on 30.07.2023, the family members of the accused petitioner demanded Rs. 3 lakh and one motorcycle from the informant and the accused petitioner refused to marry the victim.

6. Learned senior counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in this case. It is submitted that after lodging the F.I.R., the medical examination of the victim was done in which the doctor assessed the age of the victim 19-20 years, *i.e.* the victim was major at the time of incident. Parents of victim as well as the petitioner amicably settled the dispute and solemnized the marriage of the victim with the petitioner and they are residing in the same house after the marriage. It is submitted that petitioner and victim performed marriage with consent of the parties and now they are living as spouse and a compromise took place with the informant and a compromise petition was also filed in this regard before the lower court vide Annexure-3.



Lastly, it has been submitted that petitioner has two criminal antecedents.

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

8. Having considered the facts and changed circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioner in connection with Mahila P.S. Case No. 37 of 2023, he shall be released on anticipatory 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 Additional Sessions Judge-VIth-cum-Special Judge (POCSO), Madhubani, subject to condition as laid down under Section 438(2) of the Cr.P.C.

(Khatim Reza, J)

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