

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41979 of 2024

Arising Out of PS. Case No.-323 Year-2023 Thana- MANJHAGARH District- Gopalganj

Saddam Hussain Son Of Manir Ansari @ Manir Alam Son Of Majhagarh
Gulam Hussain Tola, Ps- Majhagarh, Dist- Gopalganj

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Ruksana Khatoon W/O Khairum Ansari R/O Village- Bahorah Hatta (Near Nanhki Nahar Pas), P.S.- Majhagarh, District- Siwan.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raghav Prasad, Adv.

For the Opposite Party/s : Mr. Shyam Kumar Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

4 25-09-2024 Heard Learned Counsel for the petitioner, Learned
A.P.P. for the State and Learned Counsel for the Informant.

2. The petitioner seeks regular bail in connection with
POCSO Case No. 67 of 2023 arising out of Manjhagarh P.S.
Case No. 323 of 2023, lodged on 15.09.2023, under Sections
376, 354(c), 506 and 509 of the Indian Penal Code and Sections
4 and 6 of the POCSO Act.

3. As per the prosecution, the F.I.R. has been lodged
against the petitioner against whom there is allegation that he
used to commit sexual assault/exploitation of the victim on the
pretext of marriage and also prepared her indecent photographs
and threatened to make the same viral on social media.



4. Learned Counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He submits that there was love affairs in between them. In fact, they have solemnized marriage according to the Muslim Rites but vidai could not take place after Nikah and later on, the petitioner and his family members requested the informant for vidai but she always took time. Thereafter, the petitioner came to know that the victim wants to marry with another person. Subsequently, petitioner filed Matrimonial Case No. 239 of 2023 for restitution of conjugal life. Counsel further submits that the petitioner has clean antecedent and he is in custody since 15.02.2024.

5. Learned Counsel for the State opposes the prayer for bail.

6. Learned Counsel for the Informant and Learned Counsel for the petitioner jointly prayed that they are ready to settle their dispute outside the Court by way of entering into the marriage.

7. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted **provisional bail**, on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Additional



Sessions Judge VI- cum-Special Judge POCSO, Gopalganj in connection with POCSO Case No. 67 of 2023 arising out of Manjhagarh P.S. Case No. 323 of 2023, subject to the following conditions as laid down under Section 437(3) of Cr.P.C.

8. The Trial Court is directed to confirm the **provisional bail** of the petitioner only after production of the certificate of marriage with the informant duly obtained under the Special Marriage Act, 1954. If within 60 days the said certificate shall not be produced by the petitioner before the Trial Court, his **provisional bail** shall be cancelled.

(Dr. Anshuman, J.)

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