

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48585 of 2024

Arising Out of PS. Case No.-158 Year-2024 Thana- JOKIHAT District- Araria

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Abrar @ Abrar Alam, Son Of Rafique @ Md. Rafique, Resident Of Village -
Thengapur Chowk, Ward No. 02, P.S. - Jokihat, District - Araria

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vijay Kishore Bharti, Advocate

For the Opposite Party/s : Mr. Lalan Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 21-09-2024 Heard learned Advocate appearing on behalf of the

petitioner and the learned Additional Public Prosecutor for the

State.

2. The application for grant of bail to the petitioner
who is in custody in connection with Jokihat P.S. Case No. 158
of 2024 registered for the offence punishable under Sections
341, 323, 313, 376, 354(B), 504, 506 and 34 of the Indian Penal
Code.

3. The allegation against the petitioner is of
establishing physical relationship with the informant on the
pretext of marriage and later on when the informant got
pregnant, compelled her to abort. It is further alleged that when
the matter was placed before the Sarpanch and with the consent
of the parties they have agreed for Nikah, but in the meantime



some of the persons came there and not allowed them to perform Nikah and also assaulted the victim; in the meantime the petitioner succeeded in fleeing away.

4. Learned Advocate appearing on behalf of the petitioner drawing the attention to the FIR contended that *prima facie* it appears that both the parties were in love and subsequent thereto, good sense prevailed between the parties and they finally solemnized the marriage. In support of the aforesaid contention, the copy of the Nikahnama has been placed on record vide Annexure P/2. Apart from the aforesaid fact, there is a delay in lodging of the FIR and the petitioner is a man of fair antecedent, now has been incarcerated since 13.05.2024. The victim disclosed her age to be 18 years and even the medical report suggest her age to be 16 to 18 years.

5. On the other hand, learned Additional Public Prosecutor for the State vehemently opposes the bail application and submits that the statement of the victim was recorded under Section 164 of the Code of Criminal Procedure wherein she has made specific allegation against the petitioner of committing wrongful act with her.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that both the



parties have solemnized marriage and now they have been peacefully living together, coupled with the fair antecedent and the completion of the investigation, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Araria in connection with Jokihat P.S. Case No. 158 of 2024, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) The court below shall verify the criminal antecedent of the petitioner and in case, at any stage, it is found that the petitioner has concealed his criminal antecedent, the



court below shall take immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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