

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49630 of 2024

Arising Out of PS. Case No.-348 Year-2023 Thana- DHORAIYA District- Banka

Md. Wasim @ Wasim Alam son of Md. Jakir Village- Chapri Ps- Dhoraiya
Dist- Banka

... .. Petitioner/s

Versus

1. The State of Bihar
2. Nasrin Daughter of Md. Manir Village- Chapari Po- Nananpair Ps- Dhoraiya
Dist-Banka

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajit Kumar, Advocate
For the Opposite Party/s	:	Mr. Arvind Kumar Pandey, APP
For the informant	:	Mr.

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
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 bail in connection with Dhoraiya P.S. Case No. 348 of 2023 dated 01.12.2023, instituted for the offence punishable under Sections 341, 323, 342, 420, 376, 379/34 of the Indian Penal Code and Section 4 of the POCSO Act.

3. The prosecution case, in brief, according to the informant/victim is that on the pretext of marriage accused namely, Md. Wasim (petitioner) used to sexually exploit her and also took the silver and gold jewellery of her mother. It is further stated that when she became pregnant then said accused



destroy her womb and refused to marry her. On 26.11.2023, he took away the informant to his house, where mother of the petitioner, Firoza Khatoon and father Md. Zakir assaulted informant and threatened her with dire consequences.

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 the present case has been instituted out of dirty village politics and also to pressurize the petitioner to marry the informant. It is further stated that petitioner has performed marriage with the informant as per Mohammedan law. The said marriage was performed on 17.04.2024 and both the petitioner and informant were living together. It is further submitted that petitioner was apprehended after marriage on 28.05.2024 and since then he is in custody. Lastly, it has been submitted that the petitioner has no criminal cases against him and charge-sheet has been submitted in the case.

5. On summons, opposite party no. 2 appeared through her counsel and submitted that she has performed marriage with the petitioner on 17.04.2024 and she has no objection, if the petitioner is released on bail.

6. Learned A.P.P. submits that in view of the statement



of the opposite party no. 2, this Court may pass appropriate order.

7. 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 Additional Sessions Judge- 6-cum-Spl. Judge POCSO, Banka in Dhoraiya P.S. Case No. 348 of 2023.

(Khatim Reza, J)

Sankalp/-

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