

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62948 of 2024

Arising Out of PS. Case No.-33 Year-2024 Thana- MAHILA P.S. District- Araria

Md. Jamil @ Md. Jamil Akhtar S/o Md. Tajmul @ Tajmul R.V- Birnagar
Bishoriya, Ward no- 04, P.S- Bhargama, DISTRICT - Araria

... .. Petitioner/s

Versus

- 1. The State of Bihar
- 2. Alleged Victim D/o Md. Nasim R/o Birnagar, ward no. 4, P.S. - Bhargama, Distt. - Araria

... .. Opposite Party/s

Appearance :		
For the Petitioner/s	:	Mr. Ramesh Kumar Singh, Advocate
For the State	:	Mrs. Meena Singh, APP
For the Informant	:	Mr. Gopal Kumar Jha, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

5 11-12-2024 Heard Mr. Ramesh Kumar Singh learned counsel

for the petitioner, Mrs. Meena Singh, learned APP for the State

and Mr. Gopal Kumar Jha representing the informant.

2. The petitioner is in judicial custody in connection
with Mahila P.S. Case No. 33 of 2024 corresponding to Spl.
(POCSO) Case No. 47 of 2024 for the offences punishable
under Sections 376 and 417 of the Indian Penal Code and
section 4 of the POCSO Act, lodged on 19.06.2024 by the
informant, XXXX.

3. As per the prosecution story, the informant alleged
that she was working at Delhi along with mother when this
accused who is cousin established physical relationship



promising marriage, they started living in the room, rented by the petitioner where the repeated physical relationship continued but later the family of the petitioner refused to solemnize the marriage on the ground that her mother is a widow. This led to the F.I.R.

4. Earlier, the coordinate Bench had called for the case diary on 24.09.2024. It also includes the statement made by the victim under section 164 of the Cr.P.C.

5. The informant has appeared suo moto.

6. It is the case of the petitioner that he is already married, the lady is his cousin, in Delhi both are working and as she had no proper shelter, accommodated her little realizing that he will be ultimately implicated in a criminal case.

7. Learned counsel for the informant on the other hand opposes the prayer for bail submitting that promising marriage, he continued physical relationship and as the family refused to marry, she had no option but to lodge the F.I.R.

8. This Court has gone through the submissions put forward by the parties as also the F.I.R. The statement of the victim girl is on record, according to which she is 19 years of age and is major. According to her, she moved to the rented house of the petitioner where they had physical relationship but



later he refused to marry.

9. From the aforesaid facts, it is clear that the physical relationship between them was consented, the petitioner as submitted by learned counsel is married, not willing to marry, the girl is major, the petitioner is in custody since 19.06.2024 (paragraph no.17 of the petition), in that background, this Court is inclined to extend him the privilege of bail.

10. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Additional District Judge-cum-Special Judge (POCSO), Araria in connection with Mahila P.S. Case No. 33 of 2024 corresponding to Spl. (POCSO) Case No. 47 of 2024, subject to the following conditions:

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial Court failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned



police station every fortnight for next six months to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of bail bonds.

(Rajiv Roy, J)

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