

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81720 of 2023

Arising Out of PS. Case No.-193 Year-2023 Thana- DAGARUA District- Purnia

Md. Firoz @ Md. Firoj Son of Md. Sayyad R/o Belgachhi, Dohripar Tola, P.S.
- Dagarua, Distt. - Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md Fazle Karim, Advocate

For the Opposite Party/s : Mr. Md. Fahimuddin, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 10-01-2024 Heard Mr. Md Fazle Karim, learned counsel

appearing on behalf of the petitioner and the learned APP for the

State.

2. The petitioner apprehends his arrest in connection
with Dagarua P.S. Case No. 193 of 2023, registered for the
offence punishable under Sections 341, 323, 376, 504 and
506/34 of the Indian Penal Code.

3. The prosecution case is based on the written report
of the informant, alleging therein, that the petitioner on the
pretext of marriage induced the victim-informant and exploited
her by entering into sexual relationship for the last two years.
When the victim insisted for marriage, the petitioner refused to
solemnize the marriage and also abused and assaulted, resulting
into institution of the present case.



4. It is submitted on behalf of the petitioner that in fact the present FIR has been instituted only in order to put undue pressure upon the petitioner for the purposes of marriage and this is the fact that after the institution of the FIR, the marriage (nikah) took place between the informant and the petitioner. He further brought on record the Aadhar Card of the informant, where her date of birth is mentioned as 01.01.2004 and, on the basis thereof, he submits that the victim girl is major. He next drew the attention of this Court to the impugned order, wherein, the learned Court has discussed the statement of victim recorded under Section 164 of the Cr.P.C., wherein, she has categorically stated that her marriage has already been solemnized with the petitioner and now, she has been residing with him. She further stated that the present FIR has been instituted in order to put pressure upon the petitioner to solemnize marriage. He lastly submits that the petitioner is a man of fair antecedent and he undertakes that he will fully co-operate in the investigation or in the proceeding of the Court.

5. On the other hand, learned APP for the State vehemently opposes the pre-arrest bail application of the petitioner.

6. Regard being had to the submissions made on



behalf of the parties and considering the fact that there was a consensual relationship, leading to marriage between the petitioner and the victim-informant, coupled with the statement of the victim recorded under Section 164 Cr.P.C., wherein, she accepted the fact that the marriage has already been solemnized, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Purnea in connection with Dagarua P.S. Case No. 193 of 2023, subject to the condition as laid down under Section 438 (2) of the Cr.P.C., with the further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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