

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84192 of 2024

Arising Out of PS. Case No.-1 Year-2024 Thana- Dhrampura District- Rohtas

Md. Mukhtar Alam @ Md. Mukhtar Rain S/o Muslim Rain R/o Village-
Nonsari, PS- Dharampura, Dist- Rohtas

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajani Kant Singh, Advocate

For the Opposite Party/s : Mr. Chandra Sen Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 11-12-2024 Heard the parties.

2. The petitioner is in custody in connection with Dharmapura P.S. Case No. 01 of 2024 for the offence punishable under sections 126(2), 115(2), 137(2), 140(3), 303(2), 352 351(2) and 3(5) of the Bharatiya Nyaya Sanhita lodged on 21.08.2024 by the informant, Reema Devi.

3. As per the prosecution story, the informant alleged that the informant gave a written complaint that the victim went out but failed to return and later, it came to the notice that this petitioner has taken her away. Upon approaching his house, his family members abused her. This led to the FIR.

4. Learned counsel for the petitioner submits that they were in relationship, the girl came on her own and they went to Uttar Pradesh and solemnized marriage. Subsequently, the



Police took her back and she made her statement under Section 183 of the BNSS supporting the fact that they are in relationship and have solemnized marriage. He has taken this Court to the learned Sessions Judge order to show that the date of birth of the victim girl is 25.09.2006 and the date of occurrence is 19.08.2024 meaning thereby the girl is/was only few days short of being eighteen years of age.

5. Learned APP opposes the prayer for bail submitting that the girl was minor.

6. Considering the submissions put forwarded by the parties as also the statement made by the victim girl under Section 183 of the BNSS coupled with the fact that she was on the verge of attaining adulthood, FIR has been lodged, the petitioner will be facing the music, is in custody since 21.09.2024 (paragraph-4 of the petition) and has no criminal antecedent, in that background, this Court is inclined to extend him the privilege of bail with conditions.

7. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned ACJM 1st, Sasaram, Rohtas, in connection with Dharmapura P.S. Case No. 01 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/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and 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 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;

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

(Rajiv Roy, J)

Adnan/-

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