

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8107 of 2025

Arising Out of PS. Case No.-21 Year-2023 Thana- AURAI District- Muzaffarpur

Gulab Rain @ Md. Raja S/O Md. Jamshed Resident of Village- Kokilwara,
P.S.- Aurai, Dist- Muzaffarpur

... .. Petitioner/s

Versus

1. The State of Bihar Patna
2. Hamida Khatoon W/O Younus Rai Resident of Village- Kokilwara, P.S.-
Aurai, Dist- Muzaffarpur

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Jha

For the Opposite Party/s : Mr.Madhura Nand Jha

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

4 13-05-2025 Heard learned counsel for the petitioner as well as
learned APP for the State.

2. In this case, the petitioner is seeking regular bail
in connection with Aurai P.S. Case No. 21 of 2023, registered
for the offences punishable under Sections 366A, 406, 120B/34
of the IPC and Section 4/6 of POCSO Act.

3. As per allegation, the petitioner enticed away the
daughter of the informant to Delhi for the purpose of marriage.
It has further been alleged that the petitioner, at the pretext of
marriage, committed rape upon the victim. Further, the
petitioner took her mobile, Aadhar card, cash and jewelry, which
was kept for her marriage.



4. The learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. The victim is a major girl. According to the FIR, the victim is alleged to have sexual relations with the petitioner, at the pretext of marriage. It has further been submitted that the marriage was solemnized and later on, the petitioner divorced the victim. The petitioner is under custody since 16.08.2024.

5. On the other hand, the learned counsel for the informant has opposed the prayer for bail and submitted that the petitioner solemnized marriage with the victim and after solemnization of his marriage, he had sexual relations with her and later on, he divorced his wife (the victim).

6. According to the learned counsel for the informant, the marriage of the petitioner was solemnized with the victim according to the Muslim rituals and customs. The petitioner divorced the victim. After divorce, according to the Muslim rituals and customs, re-marriage with the petitioner is not possible, as such, the matrimonial relations between the couple became irretrievable.

7. Considering the above-mentioned facts and circumstances as well as period of custody, let the petitioner



above-named be released on bail on furnishing bail bonds of Rs.10,000/- with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge VI-cum-Special Judge, POCSO-I, Muzaffarpur in connection with Aurai P.S. Case No. 21 of 2023, subject to the following condition that the petitioner shall cooperate in the disposal of trial and make himself available as and when required by the court.

(Nawneet Kumar Pandey, J)

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