

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26050 of 2025

Arising Out of PS. Case No.-141 Year-2024 Thana- JALE District- Darbhanga

Md. Chand @ Md. Chand Naddaf @ Chand Naddaf Son of Late Akailbul
Haque Resident of Village - Rewadha, P.S.- Jale, District - Darbhanga

... .. Petitioner/s

Versus

1. The State of Bihar
2. Salma Khatoon Son of Gulab Gaush Mansuri Resident of Village - Nayatol,
P.S.- Nanpur, District - Sitamarhi.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sunil Kumar Karn, Advocate
For the Opposite Party/s : Mr.Ram Sumiran Rai, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

5 08-08-2025 Heard Mr. Sunil Kumar Karn, learned counsel for the

petitioner and Md. Naushad Khan, representing the informant

beside Mr. Jitendra Kumar Singh, learned APP for the State.

The petitioner is apprehending arrest in connection
with Jale P.S. Case No. 141 of 2024 instituted under Sections
64/81/115(2)/3(5) of BNS lodged on 25.07.2024 by the
informant, Salma Khatoon.

3. As per the prosecution story, the lady, Salma
Khatoon has made an application that the petitioner, Md. Chand
used to come to her maternal-grand father house, established
physical relationship while she was alone and assured to
perform marriage with her. It continued and later with the help
of family members, she was assaulted and left on the road. She



somehow reached the hospital and called the parents which followed the FIR.

4. The petitioner in its petition/affidavit has produced a document to show that they solemnized marriage/Nikah on 30.10.2023 in the presence of witnesses (Annexure-P/2) and the 'Nikahnama' has signatures of both the petitioner, Md. Chand as also the Victim girl, Salma Khatoon beside Md. Alam, Md. Nazibul Rahman as the witnesses and in the presence of the lawyer, Md. Akhtar Raja Rezvi.

5. Pursuant to the last order, the petitioner and the victim girl are present in the Court.

6. Learned counsel for the petitioner submits that since the marriage certificate (Nikahnama) is on record, it shows their relationship as husband and wife and as such they do not have to go through another 'Nikah' as their marital relationship continues. He is ready to take his legally wedded wife to his home and carry on his marital life subject to her consent.

7. Learned counsel for the informant submits that since the petitioner himself has come up with a 'Nikahnama' and accepting that the document bore her signature beside that of the petitioner, is ready to take her to his home, in that background, he has no objection to the grant of relief but in



case he retreats, she be protected from it.

8. Learned counsel for the petitioner submits that they have all the options in that case to take steps for the cancellation of the bail bonds.

9. Taking into accounts the aforesaid facts/development as also the presence of the 'Nikahnama' by the petitioner, is on the record having signature, the lady is ready to move with her husband, in that background, this Court is inclined to extend him the privilege of bail with conditions.

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 Chief Judicial Magistrate-1st, Saharsa, in connection with Jale P.S. Case No. 141 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 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.

7. The petitioner, Md. Chand will be taking his wife, Salma Khatoon to his home and thereafter, they shall be going to the in-laws house on Sunday i.e. 10.08.2025.

(Rajiv Roy, J)

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