

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32175 of 2025

Arising Out of PS. Case No.-65 Year-2025 Thana- ARARIA District- Araria

Abu Bakar S/o- Kasim @ Sajrul Islam Village- Kakan, W.No-9, Ps- Jokihat
Dist- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Nafisuzzoha, Adv. Md. Ziaul Quamar, Adv.
For the State	:	Mr. Sanjay Kumar Tiwary, Adv.
For the Informant	:	Mr. Zeyaul Hoda, Adv.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 21-05-2025 Heard learned counsel for the petitioner, learned counsel
for the informant and learned A.P.P. for the State.

02. In the present case, the petitioner is apprehending his arrest in connection with Araria P.S. Case No. 65 of 2025 registered for the alleged offences under Section 137(2), 96, 352, 351(2), 3(5) of the B.N.S.

03. As per prosecution case, the minor niece of the informant was kidnapped by the petitioner and other co-accused persons.

04. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Real fact of the case is that the victim girl has been staying with her maternal uncle and aunt after death of her parents who want to grab her property. They forcibly wanted to marry her with a person from Uttar Pradesh and when she refused to marry, they used to beat her and lock her in the house. The victim girl stated this fact when her statement was recorded under Section 180 and 183 of the



B.N.S.S. On 18.02.2025 she was beaten and thrown out of her house and then she called the petitioner and asked him to marry her. The victim girl stated that she went with the petitioner out of her free will and she does not want to return either to her uncle or her parental house. The victim girl was handed over to the Welfare Committee by the orders of learned Chief Judicial Magistrate. The victim girl also stated that she left the house on 18.02.2025 whereas the informant has alleged that petitioner took her away on 20.02.2025. This shows a false and concocted story has been made by the informant. Learned counsel further submits that under Muslim Law, a girl who had attained puberty(age of 15 years) could marry without consent of her parents and enter into contract of marriage and as the victim girl is aged more than 16 years she is having this right. Learned counsel further submits that petitioner is aged about 22 years and has got no criminal antecedent.

05. Learned A.P.P. for the State as well as learned counsel for the informant vehemently oppose the submission made on behalf of the learned counsel for the petitioner. Learned counsel for the informant submits that the victim girl is minor and her consent is immaterial. She has been trapped by this petitioner as the victim girl belongs to a respectable family whereas the petitioner has been working on a shop as salesman.

06. Having regard to the facts and circumstances and



submission made on behalf of the parties and considering the statement of the victim girl and her age at which a girl attains sufficient maturity and further considering the age of this petitioner and his clean antecedent and possibility of false accusation, let the petitioner above named, in the event of his arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of Court of learned C.J.M., Araria in connection with Araria P.S. Case No. 65 of 2025, subject to the condition laid down under Section 482(2) of the B.N.S.S. and other following conditions:

(i) One of the bailors will be a close relative of the petitioner.

(ii) The petitioner will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

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