

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52235 of 2024

Arising Out of PS. Case No.-56 Year-2024 Thana- BAHADURGANJ District- Kishanganj

Md Jamil @ Jamil @ Md Jimal Son of Kuraban Alam @ Kurban Ali R/o
Village- Deshiatoli, P.S.- Bahadurganj, District- Kishanganj

... .. Petitioner/s

Versus

1. The State of Bihar
2. Noor Mohammad Son of Late Jamiruddin R/o Village- Dohmani Ward
No.04, P.O. Bangama, P.S.- Bahadurganj, District- Kishanganj

... .. Opposite Party/s

Appearance :

For the Petitioner	:	Mr. Ram Prawesh Kumar, Advocate
For the State	:	Ms. Sangeeta Sharma, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

6 05-02-2025 Heard learned counsels for the parties.

2. The petitioner apprehends his arrest in a case registered for the offence punishable under Sections 363, 366A and 376 of the Indian Penal Code and Sections 4 and 8 of the POCSO Act.

3. As per prosecution case, allegation against this petitioner is that he took away minor daughter of informant on the false promise of marriage and thereafter established physical relations with her for four months.

4. It is submitted by learned counsel for the petitioner that petitioner is innocent and has committed no offence and has falsely been implicated in this case with oblique motive. As a



matter of fact, both parties were in love with each other and have solemnized marriage according to Muslim rites and customs on 27.03.2024 and a *Nikahnama* in this regard has also been filed. It is further submitted that the alleged victim girl is a major and is residing with this petitioner as wife. It is further submitted that during pendency of this case, dispute has been compromised and separate compromise petitions have also been filed. Petitioner claims clean antecedents.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of anticipatory bail.

6. Considering the aforesaid facts and circumstances, nature of accusation, the fact that both parties have solemnized marriage and are living together as husband and wife and clean antecedents of the petitioner, the prayer for grant of anticipatory bail to the petitioner is allowed.

7. Accordingly, in the event of arrest/surrender within a period of eight weeks from today, let the above named petitioner be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge, Ist-cum-Special Judge, Kishanganj in connection with Bahadurganj P.S. Case No. 56 of 2024, subject to condition as



laid down under Section 438(2) of the Code of Criminal
Procedure.

(Prabhat Kumar Singh, J)

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