

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67203 of 2025**

Arising Out of PS. Case No.-48 Year-2023 Thana- KAJI MUHAMMADPUR District-
Muzaffarpur

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Md. Majid @ Md. Majid Alam, S/o Shekh Nasrullah, R/o Paras Pakdi, P.S.-
Majhauriya, District- West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Bilkis Khatun, W/o Md. Majid @ Md. Majid Alam, D/o Md. Moim, R/o
Paras Pakdi, P.S.- Majhauriya, District- West Champaran, at present resident
of Madipur, Madni Masjid, P.S.- Kajimohammadpur, District- Muzaffarpur.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Bimlesh Kumar Pandey, Adv.
For the Opposite Party/s	:	Mr. Anand Kishore Choudhary, APP

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CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

3 31-10-2025 The informant, who has been arrayed as opposite

party No. 2, was noticed by this Court *vide* order dated

19.09.2025. However, despite valid service of notice, she has

not appeared before this Court either personally or through a

Lawyer.

2. Heard the learned counsel for the parties.

3. This is the second regular bail application on behalf

of the petitioner in connection with Sessions Trial No.

210/2025, arising out of Kaji Mohammadpur P.S. Case No. 48

of 2023, instituted for the offences under Sections 323, 376,

420, 406, 504, 506 and 120(b) of the Indian Penal Code and

Section 3 & 4 of the Dowry Prohibition Act.



4. The prosecution case is to the effect that the informant/O.P. No. 2 and the petitioner are said to have been in love since 2017 and the petitioner established physical relationship with the informant/O.P. No. 2 on the pretext of marriage. It has further been alleged that the family of the petitioner had taken around Rs. 80,000/- as dowry and subsequently, there was a demand of Rs. 4,20,000/- and on refusal of the same, the informant/O.P. No. 2 was ousted from the house of the petitioner and the petitioner refused to marry her.

5. The learned counsel for the petitioner submits that the petitioner has falsely been implicated in this case and the allegation of rape is not being made out as it was a love affair between the petitioner and the informant/O.P. No. 2 and on a false pretext, the present case under Section 376 of the IPC has been filed, which was not made out in the facts and circumstances of the case. It has been submitted that the marriage had also been solemnized between the petitioner and the informant/O.P. No. 2. It has further been submitted that initially the informant/O.P. No. 2 was also staying along with her in-laws at her *Sasural*. However, she has alleged before the learned Court below that she had been thrown out of the house



subsequently.

6. The learned counsel for the petitioner has drawn the attention of this Court towards the *charge-sheet*, wherein, the same has also been submitted for the offence under Section 498(A) of the IPC. It has lastly been submitted that the petitioner has clean antecedent and he is in custody since 22.11.2024.

7. The learned APP for the State has opposed the prayer for bail and has submitted that there is an allegation of rape against the petitioner and even after compromise between the parties, he has not obeyed with the terms and conditions of the compromise. It has, thus, been submitted that the petitioner does not deserve the liberty of bail.

8. Considering the aforesaid facts and circumstances of the case, the petitioner, above-named, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, POCSO Court-III, Muzaffarpur in connection with Sessions Trial No. 210/2025 arising out of Kaji Mohammadpur P.S. Case No. 48 of 2023, subject to the following conditions that:

(i) One of the bailors of the petitioner shall be his



close relative.

(ii) The petitioner shall remain physically present before the concerned Court/successor Court on each and every date of the trial and shall cooperate in the trial.

(iii) In case of absence for two consecutive occasions or in violation of the terms of the bail, the bail-bonds of the petitioner will be liable to be cancelled by the concerned Court/successor Court.

(iv) The concerned Court/successor Court shall verify the criminal antecedent of the petitioner and in case, at any stage, it is found that he has concealed his criminal antecedent, the Court concerned shall take necessary steps for cancellation of his bail-bonds. However, the acceptance of bail-bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

9. It is made clear that the observations, if any, made in this order, shall be of no bearing during the trial.

10. The application stands allowed.

(Sourendra Pandey, J)

Praveen-II/-

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