

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23370 of 2026

Arising Out of PS. Case No.-374 Year-2023 Thana- MAHUA District- Vaishali

Md. Samsad @ Md. Shamsad S/o- Md. Mokhtar @ Md. Mokhtar Alam, R/V-
Mahua Mukundpur PS- Mahua, Dist- Vaishali.

... .. Petitioner

Versus

1. The State of Bihar
2. Safina Khatoon D/o- Md. Firoz, R/v- Mahua Mukundpur Ps- Mahua Dist-
Vaishali

... .. Opposite Parties

Appearance :

For the Petitioner	:	Mr. Aditya Raj Singh, Advocate Ms. Eashita Raj, Advocate
For the State	:	Mr. Ashok Kumar Singh, APP
For the OP No. 2	:	Mr. Aditya Pandey, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

5 15-07-2026 Heard learned counsel for the petitioner, learned
A.P.P. for the State and learned counsel for the OP No. 2.

2. In the present case, the petitioner seeks bail in connection with Mahua P.S. Case No. 374 of 2023, arising out of Complaint Case No. 215 of 2023, dated 18.06.2023, registered for the offences punishable under Sections 363, 366A, 498A, 342, 307 and 34 of the Indian Penal Code and Sections 3 and 4 of the Dowry Prohibition Act.

3. As per the prosecution case, petitioner and other co-accused persons enticed away the minor daughter of the informant from her house and this petitioner solemnized marriage with her with the help of other co-accused persons. Thereafter, the petitioner and co-accused persons started



demanding Rs. 5,00,000/- as dowry and kept the daughter of the informant confined. Lastly, they drove the daughter of the informant out on account of non-fulfillment of demand of dowry.

4. Learned counsel appearing on behalf of the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. The victim girl was in consensual relationship with the petitioner and she voluntarily accompanied him and there was no force or coercion with daughter of the informant when she was taken away by the petitioner. Learned counsel further submits that victim girl willingly left her house and for this reason, no offence under Sections 366 and 366A of the IPC are made out in this case. Moreover, the petitioner and victim solemnized marriage which shows that there was no criminal intent. The allegation of forced physical relationship is not supported by the facts available on record. The statement of the victim girl recorded under Section 164 of the Cr.P.C. is also doubtful as she willingly left with the petitioner, but stated that petitioner used to establish physical relationship with her forcibly and she became pregnant. Learned counsel also submits that the matter has now been settled between the parties and they have arrived at a compromise. The



daughter of informant has now been staying in her matrimonial home. Learned counsel next submits that petitioner is having clean antecedent and chargesheet has been submitted. Learned counsel lastly submits that petitioner is in custody since 31.01.2026.

5. Learned A.P.P. appearing on behalf of the State opposes the submissions made on behalf of the petitioner and submits that from the allegations made in the FIR, it is apparent that the victim girl was minor and her consent is immaterial.

6. Learned counsel representing the informant further concedes that a compromise has taken place between the parties and the victim girl has been staying in her matrimonial home and he would not object to the grant of bail to the petitioner. He further submits that the victim girl has given birth to a child begotten from this petitioner.

7. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the voluntary nature of conduct of the victim girl and also considering subsequent events and further considering petitioner's clean antecedent, his period of custody and submission of chargesheet against him, the petitioner, above-named, is directed to be released on bail, on furnishing bail



bonds of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Hajipur at Vaishali / concerned Court, in connection with **Mahua P.S. Case No. 374 of 2023**, subject to the condition laid down under Section 480(3) 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.

(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the Court concerned.

(Arun Kumar Jha, J)

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