

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48553 of 2015

Arising Out of PS.Case No. -107 Year- 2015 Thana -PHULWARIA District- GOPALGANJ

1. Jakir Hussain Son of Sahid Hussain
2. Asalam Hussain Son of Sahid Hussain
Both are resident of village - Ladhpur, P.S. Phulwariya, Distt. - Gopalganj

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anirudh Kumar Verma

For the Opposite Party/s : Mr. Yogendra Kumar(App)

CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 03-12-2015 Heard learned counsel for the petitioners and learned counsel representing the State.

Certified copy of statement of the victim recorded under Section 164 Cr.P.C. has been filed which has been taken on record.

The petitioners seek bail in connection with Phulwaria P.S. Case No. 107 of 2015 registered for the offences punishable under Sections 366A/34 of the Indian Penal Code.

Allegedly, the petitioners and co-accused with intention to marry with Pramila Kumari aged 16 years, the daughter of the informant, kidnapped her and during investigation the victim came and her statement has been recorded under

Section 164 Cr.P.C. wherein she has not alleged any sexual harassment.

Submission is of false implication and that there was love affairs between the petitioner Jakir Hussain and the victim. She was on talking terms. She went out of own sweet will but under pressure of her family members she has stated otherwise. Co-accused Jamir Alam has been allowed bail and as such the petitioners deserve sympathetic consideration.

Learned APP submits that the petitioners are named in the FIR and their names have been taken by the victim also.

In the facts and circumstances stated above, considering that the victim girl has not stated regarding any sexual harassment meted to her and she came back from Pune herself, the petitioners above named are directed to be released on bail on execution of bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of Sri A. Kunal, Judicial Magistrate Ist Class, Gopalganj in connection with Phulwariya P.S. Case No. 107 of 2015, subject to the conditions that one of the bailors must be a near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioners shall remain present on each and every date during trial and the default on two

consecutive dates on their part without any reason shall disentitle
the petitioners from privilege of bail.

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(Jitendra Mohan Sharma, J)