

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44586 of 2015

Arising Out of PS.Case No. -197 Year- 2015 Thana -GOPALGANJ CITY District- GOPALGANJ

- =====
1. Mohan Mian son of Late Siput Mian
 2. Sairun Nehsa wife of Late Ali Ahmad
- Both are residents of village- Bhitbherwan, P.S.- Gopalganj,
District- Gopalganj

.... Petitioner/s

Versus

1. The State of Bihar
2. Nazia Khursid alias Nazma Khatoon wife of Rabe Alam, resident of village- Bhitbherwan, P.S. Gopalganj, District Gopalganj, daughter of Khursid Alam, P.O. + P.S. - Bhitbherwan, District Gopalganj
3. Noor Saba Khatoon wife of Khurshid Alam, P.O. + P.S.-Bhitbherwa, District- Gopalganj

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Pandey, Advocate
For the Opposite Party/s : Mr. Madan Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

3 16-12-2015 Heard learned for the petitioners, learned counsel for the informant and learned counsel for the victim.

It has been contended by the learned counsel for the petitioners that the petitioners have been falsely implicated in the instant case because they are related to one Rabe Alam with whom the daughter of the informant was having an affair. They knew each other and wanted to marry. The alleged victim out of her own sweet will elope with Rabe Alam and went to Patna and solemnized marriage with each other and got the marriage registered before the Marriage Officer, Patna.

On the other hand, learned counsel for the informant has contended that the victim is minor and her consent is immaterial in the eye of law. According to him, the petitioners have conspired and abducted the daughter of the informant for the purpose of marriage.

Learned counsel appearing for the victim has contended that it is wrong to allege that the victim is minor. Her date of birth entered into the school register is not correct. She was born in 1996 and, therefore, on the date of occurrence she had already attained majority. It is further contended that the victim wilfully married Rabe Alam and is living with him peacefully.

Regard being had to the submissions at the Bar, the provisional pre-arrest bail granted to the petitioners vide order dated 14.10.2015 is hereby confirmed.

(Ashwani Kumar Singh, J)

Md.S./-

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