

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31581 of 2016

Arising Out of PS.Case No. -178 Year- 2014 Thana -BUXAR INDUSTRIAL District- BUXAR

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1. Ibrahim Miyan
2. Alauddin Ansari
3. Ramzan Miyan @ Moma
4. Raju @ Israil Ansari
All Sons of Kamaruddin Miyan Resident of village- Sonvarsha, P.S.-
Buxar (I), District- Buxar

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance:

For the Petitioners : Mr. Ravi Shanker Pankaj, Advocate
For the Opposite Party : Mr. Sri Ram Shankar Das, APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 11-08-2016 Heard learned counsel for the petitioners and

learned APP for the State.

2. The petitioners apprehend their arrest for the offences alleged under Sections 366A, 120(B) of the Indian Penal Code and Sections 3(i) (x) of the SC/ST Act, registered in connection with Buxar (I) P.S. Case No. 178 of 2014.

3. It is submitted that the petitioners have been falsely implicated which is evident from the very fact that the accusations under the SC/ST Act were found to be false and to that extent final form was submitted and thereafter cognizance has been taken only under the penal Sections.



4. It is further submitted that the accusations under the penal Sections are also false as it is a case of love marriage between the so-called victim girl and the petitioner no. 1. Learned counsel for the petitioners makes a statement at the Bar that the girl in question claimed her age to be 22 years before the Police in course of investigation but, despite being produced before the learned Magistrate her statement was not recorded. It has further been stated that the said girl and the petitioner no. 1 have since been living together as husband and wife and a child has also since been born to them.

5. Having regard to the entirety of the facts and circumstances, in the event of the petitioners arrest or surrender before the court below within six weeks from the date of communication of this order, let the above named petitioners be released on bail on furnishing bail bonds of Rs.10,000/- (ten thousand) each with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Buxar, in connection with Buxar (I) P.S. Case No. 178 of 2014, subject to the conditions as laid down under Section 438 (2) Cr.P.C. and also subject to the following further conditions:

(i) That one of the bailors of each of the petitioners shall be their close relative other than the petitioners herein.

(ii) The petitioners shall remain physically present in Court on each and every date during trial and in the event of failure on three consecutive dates without sufficient reason, their bail bonds shall be liable to be cancelled by the learned Court concerned.

(Vikash Jain, J)

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