

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.42573 of 2016

Arising Out of PS.Case No. -176 Year- 2016 Thana -ROSERA District- SAMASTIPUR

1. Khadija Khatoon @ Gudiya, D/o Md. Shamim, Resident of Villlage- Muradpur, P.S.- Rosera, District- Samastipur.

2. Muzibur Rahman @ Babu @ Muzibul @ Md. Muzeebur Rahman @ Md. Muzeebul, S/o Md. Shamshul, Resident of Villlage- Muradpur, P.S.- Rosera, District- Samastipur.

.... .. Petitioners

Versus

The State of Bihar

.... .. Opposite Party

Appearance :

For the Petitioners : Mr. Arvind Kumar, Advocate.

For the Opposite Party : Mr. Ram Bachan Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 24-11-2016 Heard learned counsels for the petitioners, informant and learned counsel for the State.

The petitioners are apprehending their arrest in connection with Rosera P.S. Case No. 176 of 2016 for the offences instituted under Sections 363 and 366(A)/34 of the I.P.C.

The accusation against the petitioners is of abducting the minor girl, namely, Mussarat Khatoon, of the informant.

It has been submitted on behalf of the petitioners that the petitioners have got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioners. There is admitted love affairs between the parties. The medical examination report also do not support the allegations made in the F.I.R. The numbers of the villagers have made a representation

before the Deputy Superintendent of Police, Rosera, Samastipur, stating that the petitioners have falsely been implicated in the present case. Annexure-6 is the affidavit sworn by the victim before the Notary Public, Vaishali, Hajipur, to the effect that she has performed marriage with one Md. Takmil. As per the medical examination report and College Leaving Certificate, the victim is a major on the alleged date of occurrence. Hence, no offence under Section 366(A) IPC is made out in the present case.

On behalf of the learned counsels for the State and the informant, it has been submitted that the petitioners are named in the F.I.R. The victim under Section 164 Cr. P.C. statement has made specific allegation of inducement and sexually abuse against the petitioners.

Considering the aforesaid facts and circumstances, I am not inclined to grant bail to the petitioners. The same is rejected in connection with Rosera P.S. Case No. 176 of 2016, pending in the court of learned A.C.J.M., Rosera, Samastipur. Anyhow, if the petitioners surrender in the court below the same shall be considered on its own merit without being prejudiced by the order of this Court.

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(Sudhir Singh, J)