

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44422 of 2016

Arising Out of PS.Case No. -46 Year- 2016 Thana -BALIGAON District- VAISHALI(HAJIPUR)

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1. Md. Firoz, Son of Md. Mumtaz
2. Md. Nasim, Son of Late Md. Khalik.
3. Md. Rizwan, Son of Late Md. Mozin.
4. Md. Pappu, Son of Late Md. Mouzin All the Village- Bela Dargah, P.S.-
Maligaon, District- Vaishali.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Santosh Kumar, Advocate

For the Opposite Party/s : Mr. Sri Parmeshwar Mehta

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

3 01-12-2016 Heard learned counsel for the petitioners as well as
learned Addl. Public Prosecutor for the State.

Petitioners apprehend their arrest in connection with
Baligaon P.S. Case No.46 of 2016 for the offence registered under
section 366(A)/34 of the Indian Penal Code.

The statement of the victim was recorded under Section
164 of the Cr.P.C. in which she stated that she was forcibly made
to sit in a vehicle by F.I.R. named accused Md. Wasim. She also
stated that in the aforesaid vehicle, petitioner nos.3, 4 and some
others were also sitting. She further stated that she was taken to
Samastipur where she was confined and petitioner no.1 came there
and managed tickets for Punjab and thereafter, she along with co-



accused Md. Wasim went to Punjab where she was sexually assaulted by co-accused Wasim and she was not allowed to come out of the house. However, she, any how, managed and came to Samastipur from where she was taken to police station.

Submission on behalf of the petitioners is that the aforesaid statement of victim reflects that she was a consenting party and, as a matter of fact, she by her own violation eloped with co-accused Md. Wasim and subsequently, when she returned near about after a month, her statement was recorded under Section 164 of the Cr.P.C. but before recording the statement, she was tutored by her family members and police.

Considering the aforesaid facts and circumstances as well as submissions of the parties, let petitioners above named, in the event of arrest/ surrender within six weeks from the date of receipt of this order to the concerned court, be released on bail on furnishing bail bonds of Rs 10,000/- each with two sureties of the like amount each to the satisfaction of the A.C.J.M. XII, Vaishali in Baligaon P.S. Case no. 46 of 2016 subject to condition as laid down under section 438(2) of the Cr.P.C.

(Hemant Kumar Srivastava, J)

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