

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9531 of 2016

Arising Out of PS.Case No. -33 Year- 2016 Thana -ARARIA District- ARRARIA

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Margub Alam @ Md. Margub Alam, S/o - Mustaque Alam Resident of
Village - Kharia Basti, Koshkipur, P.S. - Araria, District - Araria.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Md. Naushad Uzzoha

For the Opposite Party/s : Mr. Dashrath Mehta, A.P.P.

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**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

3 28-04-2016 Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

The petitioner is accused in connection with Araria
P.S. Case No. 33 of 2016, registered under Sections 363, 366(A),
376, 370 and 372 of the Indian Penal Code and Section 4/6/8 of
the POCSO Act.

The accusation is of enticing away the informant by
this petitioner on the pretext for performing marriage. Later on,
the informant was taken by this petitioner and his wife at Delhi,
where the petitioner used to commit rape upon her.
Subsequently, petitioner and his wife took the informant for
selling her to a boy on payment of Rs. Two Lakhs, but the said
boy was ready to give only Rs. 1,50,000/-. The informant
anyhow managed to escape from there and come to her house.

Learned counsel appearing on behalf of the petitioner submits that, in fact, there was love affairs in between the petitioner and informant, but petitioner was not ready to perform marriage with the informant and due to that reason, this false case has been lodged only to give pressure upon the petitioner. Further submission is that in para 37 and 38 of the case diary, independent witnesses have also stated about love affairs in between the petitioner and the informant. Further submission is that the age of the informant has been assessed in Medical Report in between 16 to 18 years. The petitioner having no criminal antecedent is in custody since 19.01.2016.

Having regard to the facts and the circumstances of the case, the petitioner, above named, is directed to be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the 1st Addl. Sessions Judge-cum-Special Judge, Araria in connection with Araria P.S. Case No. 33 of 2016.

(Rajendra Kumar Mishra, J)

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