

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.63080 of 2017

Arising Out of PS.Case No. -60 Year- 2013 Thana -JALALGARH District- PURNIA

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1. Md. Munajir Alam @ Md. Munajir,
2. Md. Aslam @ Shekha Aslam, Both son of Md. Muslim, both resident of
Village- Piparpanti, Muslim Tola, P.S.- Jalalgarh, Dist.- Purnia.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pramod Kumar Mallick

For the Opposite Party/s : Mr. Sri Tarkeshwar Nath Thakur

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**
ORAL ORDER

2 31-01-2018 Heard the learned counsel for the petitioners and

learned APP for the State.

In this application, the petitioners apprehend their
arrest for the offences in connection with Jalalgarh P.S. Case No.
60 of 2013 punishable under Sections 366-A, 120-B of the Indian
Penal Code.

Allegedly, Priya Kumari, aged 17 years, daughter of
the informant was kidnapped by the petitioners and others. During
investigation the statement of the victim girl has been recorded
under Section 164 Cr.P.C., wherein she has not supported the
allegation of kidnapping rather she has stated that she went out of
own sweet will with Md. Munajir and has performed marriage



with him. She has stated her age as 19 years and learned Magistrate has assessed her age about 18½ years.

Submission is of false implication and that no offence under Section 366 (A) IPC is made out. The victim girl went out of her own sweet will and she has performed marriage with petitioner no. 1 and, as such, the petitioners deserve sympathetic consideration.

Learned APP fairly submits that the victim has not supported the allegation of kidnapping in her statement.

Considering the facts and circumstances as stated above, the petitioners, in case of their surrender or arrest within four weeks from the date of receipt/production of a copy of this order shall be enlarged on bail on execution of bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of Learned Chief Judicial Magistrate, Purnia in connection with Jalalgarh P.S. Case No. 60 of 2013 subject to the conditions as laid down in Section 438(2) of the Cr.P.C.

(Jitendra Mohan Sharma, J)

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