

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.8494 of 2018

Arising Out of PS.Case No. -255 Year- 2017 Thana -FALKAHA District- KATI HAR

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Gulam Rabbani @ Faiji, Son of Md. Sharafat, resident of village Mirjapur
Debandih, P.S. Korha, District Katihar

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Jha

For the Opposite Party/s : Mr. Rajesh Kumar

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

2 13-02-2018 Heard learned counsel for the petitioner and
learned APP for the State.

Petitioner seeks bail in a case registered for the
offences punishable under Sections 363 and 366A/34 of the Indian
Penal Code.

According to FIR, the petitioner kidnapped to the
minor daughter of the informant on 22.08.2017.

Submission of the learned counsel for the
petitioner is that, in fact, both were in love and had already
married on 24.08.2017 vide affidavit sworn and enclosed as
Annexure-4. The marriage was not approved by the family
members of the victim. In the circumstances, under pressure of the
parents, the victim girl in her statement under Section 164 Cr.P.C.



alleged that she was kidnapped and ravished by the petitioner.

Learned counsel for the informant opposed the prayer for bail on the ground that victim was a minor. Her statement under Section 164 Cr.P.C. cannot be disbelieved. Moreover, there is no proof of marriage between the two. Though affidavit reveals that the marriage was solemnized as per the Muslim Law.

The genuineness of the affidavit is not questioned which bears photographs of the victim also along with the petitioner. Hence, prima facie, for the purpose of this application, the matter appears to be of love affairs.

Hence, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Falka Police Station Case No. 255 of 2017, subject to the condition that the petitioner shall fully cooperate with the investigation and trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the petitioner.

(Birendra Kumar, J)

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