

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4828 of 2018

Arising Out of PS. Case No.-250 Year-2017 Thana- SOHSARAI District- Nalanda

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1. Md. Ismyle, son of Md. Isryle.
 2. Neha Parveen.
 3. Naziya Praveen, Both daughter of Md. Chand, All resident of Mohalla- Khashganj, P.S.- Sahsarai, District- Nalanda.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr. Yogesh Kumar, Advocate
		Mr. Bimal Kumar, Advocate
		Mr. Brajesh Kumar, Advocate
For the Opposite Party/s :		Mr. Matloob Rab (APP-34)

CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA

ORAL ORDER

2 05-02-2018 Heard learned counsel for the petitioners and learned counsel representing the State.

The petitioners apprehend their arrest in connection with Sohsaria P.S. Case No. 250 of 2017 , registered for the offences punishable under Sections 366(A), 120(B)/34 of the Indian Penal Code and Section 12 of the POCSO Act.

Allegedly, the minor daughter of the informant was kidnapped with the aid and assistance of the petitioners. During investigation, the statement of the victim girl has been recorded under Section 164 of Cr.P.C. wherein she has not supported the allegation of kidnapping rather she has stated that she went with Md. Faiyaz out of her own sweet will and performed marriage with him without any pressure. She has stated her age



18 years but the learned Magistrate has assessed her age 16 years and the doctor has assessed her age between 17-18 years.

Submission is of false implication and that no offence under Section 366 (A) of the I.P.C. is made out against the petitioners in view of the statement of the victim girl and, as such, the petitioners deserve sympathetic consideration.

The learned A.P.P. fairly submits that the victim girl has not supported the allegation of kidnapping and the doctor has found aged 17-18 years.

In the facts and circumstances as stated above, the petitioners in the event of their arrest or surrender within four weeks from the date of receipt/production of a copy of this order shall be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned 1st Additional Sessions Judge-cum-Special Judge, Nalanda at Biharsharif, in connection with Sohsarai P.S. Case No. 250 of 2017 , subject to the conditions as laid down in section 438(2) of the Cr.P.C.

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(Jitendra Mohan Sharma, J.)

