

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.62937 of 2018

Arising Out of PS. Case No.-80 Year-2018 Thana- KALYANPUR District- East Champaran

Irfan Ali @ Md. Irfan Alam Son of Ejazul Haque @ Ejazul Miya Resident of
Village- Alaula, P.S.-Kalyanpur, Distt.-East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kundan Kumar

For the Opposite Party/s : Mr. Shantanu Kumar

**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL**

ORAL ORDER

2 17-12-2018 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner apprehends his arrest in connection
with Kalyanpur P.S. Case no. 80 of 2018 registered under
Section 366A/34 of the Indian Penal Code.

Petitioner along with other accused persons are
said to have forcibly kidnapped the minor sister of the
informant with intent to perform marriage with her.

It is submitted by learned counsel for the petitioner
that no such occurrence as alleged ever took place. Petitioner
has been falsely implicated in the case. As a matter of fact,
victim was in love with the petitioner and she herself
performed marriage with the petitioner. The victim in her
statement recorded under Section 164 Cr.P.C. has also stated



that she has performed marriage with the petitioner and wants to live with the petitioner.

On the other hand, learned APP for the State vehemently opposing the bail petition submitted that the victim is minor and petitioner performed marriage with the minor girl. Hence he does not deserve bail.

In the facts and circumstances of the case, I am not inclined to enlarge the petitioner on bail. Prayer for bail of the petitioner is rejected.

However, petitioner is directed to surrender before the court below and seek regular bail and the court below shall dispose of the bail petition in accordance with law without being prejudiced by this order.

(Prakash Chandra Jaiswal, J)

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