

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20243 of 2019**

Arising Out of PS. Case No.-530 Year-2018 Thana- JAMUI District- Jamui

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MD. ARBAZ ALAM @ ARMAN, male, aged about 20 years, Son of Md. Firoz,
Resident of Village-West Tolla Pathan Toli, P.S. and District-Jamui.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

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with

CRIMINAL MISCELLANEOUS No. 19518 of 2019

Arising Out of PS. Case No.-530 Year-2018 Thana- JAMUI District- Jamui

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1. DABLU, aged about 34 years, male, Son of Late Md. Nasir Khan Resident of Mohalla- Thana Chowk Raja Nagar, Jamui, P.S. and District- Jamui.
2. Md. Aman @ Aman, male, aged about 19 years, S/o Firoz Resident of Villae- West Tolla Pathan Toli, P.S. and District- Jamui

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 20243 of 2019)

For the Petitioner : Mr. Satya Prakash Parasar, Advocate.
For the Informant : Mr. Mrityunjay Kumar,
For the State : APP

(In CRIMINAL MISCELLANEOUS No. 19518 of 2019)

For the Petitioner : Mr. Satya Prakash Parasar, Advocate.
For the Informant : Mr. Mrityunjay Kumar, APP
For the State : APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

4 18-07-2019 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners apprehend their arrest for the offences alleged under Sections 366(A)/34 of the Indian Penal Code registered in connection with Jamui (Town) P.S. Case No. 530 of 2018.

3. It is submitted that the petitioner in Cr. Misc. No.



20243 of 2019 has been falsely implicated and as matter of fact there was love affair between the petitioner of Cr. Misc. No.20243 of 2019 (Md. Arbaz Alam @ Arman) and the informant's daughter. It is submitted that the deposition of the so-called victim recorded under Section 164 Cr. P.C. on 23.10.2018 was given under pressure of the informant by reason of which she has made allegations against the said Md. Arbaz Alam @ Arman and his brother Aman. Subsequently, the informant has filed another F.I.R. vide Jamui (Town) P.S. Case No. 256 of 2019 under Section 366/120B IPC in which the girl's deposition under Section 164 Cr. P.C. was also recorded which is a completely different version than her earlier one. She has categorically said that she had voluntarily accompanied Md. Arbaz Alam and solemnized marriage with him. It is further submitted that the second deposition corroborates the certificate of solemnization of marriage on 08.10.2018 showing the age of the girl as 18 years (Annexure-4) as well as the statement made in her petition dated 11.10.2018 before the Chief Judicial Magistrate, Jamui (Annexure-5) to the effect that her earlier statement had been given under duress. The petitioner claims clean antecedents.

4. The petitioners in Cr. Misc. No. 19518 of 2019 submit that they have been falsely implicated merely because they happen to be maternal uncle and brother of the main accused Md. Arbaz Alam. Both petitioners claim clean antecedents save and except the subsequent Jamui (Town) P.S. Case No. 256 of 2019 lodged by the same informant as aforesaid.

5. Learned APP assisted by learned counsel for the informant appears and has been heard.

6. Be that as it may, as regards the petitioner in Cr. Misc. No. 20243 of 2019, in the event of the petitioner's arrest or surrender before the court below within six weeks from the date of communication of this order, let the above named petitioner



Md. Arbaz Alam @ Arman be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Jamui in connection with Jamui (Town) P.S. Case No. 530 of 2018, subject to the conditions as laid down under Section 438 (2) Cr.P.C., and also subject to the following further conditions -

(i) That one of the bailors of each of the petitioner shall be their close relatives other than the petitioners herein.

(ii) That the petitioner shall not indulge in any similar offence till conclusion of the trial.

(iii) That the petitioner shall cooperate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(iv) That the petitioners shall remain physically present in Court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, his bail bond shall be liable to be cancelled by the learned Court concerned.

7. As regards the petitioners in Cr. Misc. No. 19518 of 2019, the provisional bail granted to the petitioners, namely, Dablu and Md. Aman @ Aman, by order dated 05.04.2019 pending in the Court of Chief Judicial Magistrate, Jamui, in connection with Jamui (Town) P.S. Case No. 530 of 2018 is hereby confirmed.

(Vikash Jain, J)

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