

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25926 of 2019

Arising Out of PS. Case No.-102 Year-2018 Thana- JALALGARH District- Purnia

1. MD. MUJAHID Son of Md. Suleman
2. Md. Suleman Son of Late Alauddin
Both Resident of Village - Nij Gehuman, P.S.- Jalalgarh, District - Purnea.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manish Kumar

For the Opposite Party/s : Mr.Ram Sevak Choudhary

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 04-07-2019 Heard learned counsel for the parties.

The petitioners are apprehending their arrest in connection with Jalalgarh P.S.Case No.102/18 (Special Case No.80/18) , registered for offences punishable under Sections 376, 201 of the Indian Penal Code and Section 3 of POCSO Act.

Prosecution story as per the complaint petition is that the petitioners committed rape on the complainant who is minor girl and when the father of the complainant and others made complaint, the petitioners and other accused persons assured that they will get her marriage solemnized and on that assurance, they did not lodge the case rather they have refused to marry the complainant with the son of petitioner no.2



petitioner and as such there is delay in lodging the case.

Submission of the learned counsel for the petitioners is that the main allegation of rape is not against the petitioner rather against the co-accused Md. Zahid and now the marriage of Md. Zahid was also solemnized with the complainant, which will appear from para 64 of the case diary.

Heard learned A.P.P. also.

Having heard both sides and in view of the facts and circumstances, as stated above, let the petitioners, above named, in the event of arrest or surrender before the court below within a period of six weeks from the date of receipt of order be released on bail on furnishing bail bond of Rs.25,000/- (Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned 1st Addl. Sessions Judge cum Special Judge, Purnea in connection with Jalalgarh P.S.Case No.102 of 2018, subject to condition as laid down under Section 438 (2) of the Code of Criminal Procedure.

With the aforesaid direction, this application is allowed.

(Vinod Kumar Sinha, J)

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