

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.39605 of 2020

Arising out of P.S. Case No. 248, year- 2019, Thana- Karpi District Arwal

-
-
1. Rustam Ali, aged about 22 years, Male, son of Kamaluddin Mian.
 2. Kamaluddin Mian, aged about 57 years, male, son of Md. Jaffur
 3. Hamida Khatoon, aged about 52 years, female, wife of Kamaluddin Mian
- All are resident of village Panchkeshwar, P.S. Karpi, District Arwal.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opp. Party/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar, Adv.

For the Opp. Party/s : Mr. Ashok Kumar APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH

ORAL ORDER

2 03-06-2021

The present petition has been taken up for consideration through the mode of Video conferencing in view of the prevailing situation on account of COVID 19 Pandemic, requiring social distancing.

Heard the learned counsel for the parties.

The petitioner apprehends his arrest in connection with Karpi P.S. Case No. 248 of 2019 for the offence punishable under sections 366, 506/34 of the Indian Penal .

The allegation is regarding the petitioner no.1 having allured and eloped with the victim girl.



counsel for the petitioners has

submitted that the petitioners are innocent, have been falsely implicated in the present case and are having a clean antecedent. The learned counsel for the petitioners has further submitted that a bare perusal of the statement made by the victim girl under section 164 Cr. P.C., before the learned court below, would show that the victim girl is not only major but she has also stated that she had voluntarily fled away with the petitioner no.1, whereafter she had solemnized marriage with him and now she wants to go to her in-laws place. It is, thus submitted that since the victim girl has voluntarily married the petitioner no.1, no offences, as alleged, are made out.

Per contra, the learned APP for the State, Shri Ashok Kumar, has vehemently opposed the prayer of the petitioner for grant of anticipatory bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the parties and taking into account the materials available on record as also considering the fact that the victim girl has herself, in her statement made under section 164 Cr. P.C. before the learned Magistrate, has stated that she has voluntarily married the petitioner no.1 and now she wants to go to her in-laws place, I deem it fit and proper to admit the petitioners herein to the privilege of an



Accordingly, in the event of arrest or surrender before the learned court below within a period of eight weeks from today, the petitioners, above-named, shall be enlarged on anticipatory bail on furnishing bail bonds of Rs. 10,000/- each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-IV, Arwal in connection with Karpi P.S. Case No. 248 of 2019, subject to the conditions as laid down under section 438(2) of the Cr. P.C.

(Mohit Kumar Shah, J)

Tiwary/-

