

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71493 of 2023

Arising Out of PS. Case No.-129 Year-2023 Thana- DHAKA District- East Champaran

1. Md. Majhar Alam, son of Md. Zakir, R/o- Village- Bahlolpur, P.S.- Dhaka, District- East Champaran.
2. Md. Ajhar Alam @ Ajhar Alam, son of Md. Zakir, R/O Village- Bahlolpur, P.S.- Dhaka, District- East Champaran.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Rakesh Kumar No.1, Advocate
For the Opposite Party/s : Mr.Rajesh Kumar, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 29-02-2024 Heard learned counsel for the petitioners and learned APP for the State.

2. Both accused-petitioners, named in the F.I.R., are apprehending their arrest in connection with Dhaka P.S. Case No. 129 of 2023 registered for the offences punishable under Sections 366(A), 379/34 of the Indian Penal Code. They have no criminal antecedent as stated in paragraph '3' of the application.

3. Allegation against the petitioners is to kidnap the minor sister of the informant aged about 16 years for purpose of physical intercourse/marriage.

4. Learned counsel appearing on behalf of the petitioners submitted that initially love affairs of victim with petitioner no. 1 was not accepted by family members and for said reason, the present false case was lodged, which later on negotiated, thereafter proper Nikah



was performed between the parties, whereafter the victim is residing with petitioner no. 1 as wife. She also gave birth to a female child. It is also submitted that as per medical report, the age of the victim was found between the age group of 17½ to 18½ years. Learned counsel further submitted that so far as petitioner no. 2 is concerned, he has been implicated in the present case being brother of petitioner no. 1.

5. Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioners.

6. In view of the aforesaid factual submissions as the petitioner no. 1 is living with the victim as husband and wife and petitioner no. 2, who is implicated in the present case being brother of petitioner no. 1, accordingly, both above-named petitioners, in the event of their arrest/surrender within a period of four weeks from today, are directed to be enlarged on bail on furnishing of bail bond of Rs.10,000/- (ten thousand only) each with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Sikarahna at Dhaka, East Champaran in connection with Dhaka P.S. Case No. 129 of 2023, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Chandra Shekhar Jha, J.)

Rajeev/-

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