

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.16372 of 2015

Arising Out of PS.Case No. -152 Year- 2013 Thana -MAHESI District-
EASTCHAMPARAN(MOTIHARI)

- =====
1. Md. Asgar Ansari @ Asgar Ansari
 2. Md. Abbas Ansari @ Abbas Ansari
 3. Md. Usman Ansari@ Usman Ansari All sons of Late Alam Ansari resident of Village- Tharganwa, P.S.- Mehshi, Dist- East Champaran

.... Petitioner/s

Versus

1. The State of Bihar
2. Fatma Khatoon wife of Md. Abbas Ansari @ Abbas Ansari, D/o Md. Salim Resident of Vill-Tharganwa P.S.- Mehshi, Dist- East Champaran.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Madhurendra Kumar, Advocate.
For the Opposite Party/s : Mr. Lalan Kumar (App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA

ORAL ORDER

3 27-11-2015 Heard both sides.

The petitioners, three in number, seek bail in a case registered for the offences punishable under Sections 376/364/511/323/504/506 of the Indian Penal Code.

The informant made allegation that Md. Abbas Ansari (petitioner No. 2) established physical relation with her on the pretext of marriage while she was minor. The informant became pregnant and when the informant requested the petitioner No. 2 to solemnize marriage, the accused persons abused and humiliated the informant and his family members. It is submitted that no specific allegation is made against the petitioners No. 1 and 3, who

are brothers of petitioner No. 2. The case has been compromised. Petitioner No. 2 has already solemnized marriage with the informant and both the informant and petitioner no. 2 are living together as husband and wife.

Considering the facts and nature of allegations made against petitioners no. 1 and 3, namely, Md. Asgar Ansari @ Asgar Ansari and Md. Usman Ansari @ Usman Ansari, who are brothers of petitioner no. 2, the above named petitioners no. 1 and 3, in the event of their arrest or surrender before the learned court below within a period of four weeks from the date of receipt / production of a copy of this order, are directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Motihari, East Champaran in Mehsi P.S. Case No. 152/2013, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

So far as petitioner No. 2, Md. Abbas Ansari @ Abhas Ansari, is concerned, there is allegation that he established physical relation with the informant while she was minor.

Considering the fact aforesaid, I am not inclined to enlarge the petitioner no. 2 on anticipatory bail. Accordingly, the same stands rejected.

If the petitioner no. 2 is so advised, he may surrender in the court below and make prayer for regular bail. The court below shall consider the prayer for bail of the petitioner no. 2 taking into consideration that the case has been compromised and the petitioner no. 2 has already solemnized marriage with the victim.

(Prabhat Kumar Jha, J)

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