

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.20579 of 2015

Arising Out of PS.Case No. -10 Year- 2015 Thana -MAHILA P.S. District- SAHARSA

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1. Md. Mumtaz @ Mumtaz Son of Md. Siraj,
 2. Anwari Khatoon, Daughter of Md. Siraj,
 3. Fatma @ Fatima @ Fatama, Daughter of Md. Ayub,
 4. Akbair Khatoon @ Akbari, Wife of Md. Ayub,
 5. Md. Ayub, Son of Late Phul Hassan, Are resident of village - Hakpara, Ward No. 14, Saharsa, Police Station and District - Saharsa.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arun

For the Opposite Party/s : Mr. Md. Aslam Ansari (App)

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 25-06-2015 Heard learned counsel for the petitioners and

learned A.P.P. for the State.

The petitioners apprehend their arrest in a case
under section 376, 323, 471, 504, 506/34 of the Indian Penal
Code.

The informant Jumni khatoon has alleged in the
F.I.R. that in the night of 17.02.2015 her neighbour Md. Ayub had
allured her and provided one chocolate which she ate and became
un-conscious. Thereafter she found herself at Delhi in a room of
his sister, named, Fatma where Nawab made physical relationship
with her and thereafter the accused persons driven her out from the

house.

It has been submitted on behalf of the petitioners that the petitioners have got no criminal antecedent. It is further submitted that whatever allegation in respect to the commission of crime has been alleged in the F.I.R., that is against Md. Nawab. As far as the petitioners are concerned, they are relation of the said accused Md. Nawab and they have been made accused in the present case due to mistake of fact. Further it has been submitted that the statement of the victim has been recorded under section 164 Cr.P.C. which is annexure-2 in the present application. From a perusal of the same it appears that the present prosecution has been brought for the reason that the said Nawab subsequently after establishing physical relationship has denied to marry her.

On behalf of the State, it has been submitted that the petitioners are named in the F.I.R. but the main allegation is against Md. Nawab.

Considering the facts aforesaid, in the event of arrest or surrender of the petitioners, above named, within four weeks from the date of receipt/production of a copy of this order, the court below shall enlarge them 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 Sub-divisional

Judicial Magistrate, Saharsa in connection with Sadar Saharsa Mahila P.S. Case No. 10 of 2015, subject to all the conditions laid down under section 438(2) of the Code of Criminal Procedure, 1973.

(Sudhir Singh, J)

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