

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43694 of 2014

Arising Out of PS.Case No. -24 Year- 2014 Thana -SIKARPUR District-
WESTCHAMPARAN(BETTIAH)

=====

1. Ezaz Anshari Son of Akhtar Anshari Resident of Village - Bhantaha
Pipra, P.S. - Shikarpur, Distt. - West Champaran.
2. Sabira Khatoon Wife of Akhtar Anshari Resident of Village - Bhantahwa
Pipra, P.S. - Shikarpur, Distt. - West Champaan.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar No.-7

For the Opposite Party/s : Mr. Manoj Kumar (App)

=====

CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL
ORAL ORDER

2 10-04-2015 Counsel for the petitioner seeks permission of the

Court to withdraw the application so far as petitioner no. 1 is

concerned.

The permission is granted. Petitioner no. 1 may
surrender and seek regular bail.

So far the petitioner no. 2 is concerned, she is mother
of petitioner no. 1 and is facing accusations punishable under
Sections 376, 315 and 506 of the Indian Penal Code besides the
provisions of POCSO Act, 2012.

The gravamen of the charge is against the petitioner
no. 1 who is said to have obtained by deceitful means consent of
the prosecutrix and sexually assaulted. Subsequently, she was
made to abort. The further allegation is that all family members
including the petitioner no. 2 helped him in doing so.

Considering the aforesaid fact as also the fact that she is a lady, this Court is inclined to grant the petitioner the privilege of anticipatory bail. In the event of arrest or surrender in the Court below within four weeks, petitioner no. 2 namely Sabira Khatoun is directed to be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of 1st Additional District and Sessions Judge-cum-Special Judge, West Champaran at Bettiah in Shikarpur P.S. Case No. 24 of 2014 subject to the condition as laid down under Section 438(2) of the Cr.P.C. with the further following conditions:

(i) One of the bailers shall be the own/close family members of petitioner no. 2.

(ii) In case of framing of charge, the petitioner no. 2 shall appear in person on each and every date fixed in the Court below. In case of default on two consecutive occasions without any cogent/satisfactory reason, the bail bond of the petitioner no. 2 shall be cancelled and thereafter the Trial Court will be at liberty to secure his arrest in accordance with law.

(Kishore Kumar Mandal, J)

Pankaj/-

U		T	
---	--	---	--