

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.40424 of 2015

Arising out of PS.Case No. -40 Year- 2013 Thana -MAHILA P.S. District- ARRARIA

Zubeda Khatoon @ Beligan @ Bibi Zubeda Khatoon, W/o Md. Gainul, resident of Village- Rampur Uttar Referral Road, P.S. Forbesganj, District Araria.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner : Mr. Anil Prasad Singh, Advocate.

For the Opposite Party : Mr. Jitendra Kumar Singh-I(App)

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

4 01-12-2015 Heard learned counsels for the petitioner, informant and learned counsel for the State.

The petitioner is languishing in custody since 23.04.2015 in connection with Araria Mahila P.S. Case No. 40 of 2013, corresponding to G.R. No. 2885/2013 for the offences instituted under Sections 346, 370(A), 376/34 of the IPC and Sections 5,6, 8 of the Immoral Traffic Act.

The prosecution story, in brief, is that the informant Raushni Khatoon was married with her consent after fleeing from her house with Md. Izhar, Son of Md. Budhan of Village-Loki Piprahi, P.S. Loki, District-Madhubani, but she has no any issue with the wedlock of Md. Izhar so he divorced to her. Further she



stated that her *Bhainsur* Mister said to her that he will arrange her 2nd marriage and he sent to the informant with his sister Zubeda Khatoon(petitioner). She came with Zubeda Khatoon before two months from the date of this application and she lived 10 to 15 days with her. During that time, she saw that so many people were came there and they were called to Zubeda Khatoon as her alias name *Belijan*. The petitioner Zubeda Khatoon @ Belijan pressurised to the informant for prostitute and she forcibly done work of prostitution 15 to 20 days, when she wants to flee away, they will tied with rope. On 02.12.2012 at 9.00 P.M. Gainul raped with her with collusion of Zubeda Khatoon(petitioner) after tying with rope. Anyhow, she untied the rope with her teeth and fled away.

It has been submitted on behalf of the petitioner that the petitioner is in custody since 23.04.2015 and the charge sheet has been submitted in the case. There is no allegation of tampering of the evidence against the petitioner. The petitioner has been made accused in the present case due to mistake of fact. There is no allegation of commission of rape against the petitioner as she is a lady.

On behalf of the learned counsels for the informant and the State it has been submitted that the petitioner is named in the

FIR. She was running a brothel where the informant was forced by the petitioner and other co-accused for establishing physical relation with the strangers.

Considering the aforesaid facts and circumstances, I am not inclined to grant bail to the petitioner at this stage. The same is rejected in Araria Mahila P.S. Case No. 40/2013, corresponding to G.R. No. 2885/2013, pending in the court of the learned S.D.J.M., Araria.

U.K./-

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

(Sudhir Singh, J)