

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48017 of 2015

Arising Out of PS.Case No. -211 Year- 2013 Thana -AKBARPUR District- NAWADA

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1. Md. Jahangir son of Md. Idaris,
 2. Tunni Khatoon wife of Md. Jahangir,
 3. Jaitun Khatoon wife of Md. Idaris, All three resident of village- Aman Bagh, Pakribarawan, P.S.- Pakribarawan, District- Nawada
 4. Md. Arif son of Koku Miya,
 5. Kari Khatoon Wife of Md. Arif,
 6. Md. Samshad son of Md. Abbas, all three resident of village- Nawabganj, P.S.- Sikandra, District-Jamui. At present residing at Village- Aman Bagh, Pakribarawan, P.S.- Pakribarawan, District- Nawada

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Sudhir Kumar Sinha, Advocate
For the Opposite Party/s : Mr. S. Eheteshmuddin, A.P.P.

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 16-10-2015 Heard Sri Sudhir Kumar Sinha, learned counsel for
the petitioners and learned A.P.P. for the State.

The petitioners apprehend their arrest in connection with Akbarpur P.S. Case No. 211 of 2013 registered for the offences punishable under Sections 341, 323, 376, 420, 504 and 452 of the Indian Penal Code.

The prosecution case as alleged by the informant, Sabina Khatoon is that on the basis of complaint petition filed by complainant/informant Sabina Khatoon, daughter of Md. Tahir, resident of Village- Farha, P.S. - Akbarpur, district- Nawada in the

court of learned Chief Judicial Magistrate, Nawada on 08.10.2013 alleging inter-alia that last year on the occasion of Taziya fair the complainant/informant was alone in the house and all her family members went out from the house to see Taziya, then, suddenly accused Md. Alamgir, who used to come in the house of his relative Md. Digar Mian ,co-villager of the informant, came in the house of complainant/informant at about 5.00 P.M. and found her alone in the house, locked the door from inside and committed rape with her forcibly and when she protested, he threatened to kill her and also gave assurance to perform Nikah with her. It is further alleged that accused used to come before his relative at village-Farha and found the complainant/informant alone in her house, always used to make sexual intercourse with her on the pretext of Nikah. On 16.09.2013 at about 1.00 P.M. in the day accused, Md. Alamgir came at the house of complainant/informant who was alone in the house, he attempted to commit intercourse with her forcibly, then complainant/informant told him to perform Nikah otherwise she will disclose the matter before her family but accused said that he will talk with his parents and brother. In the meantime, a child of her family reached there and her family members were also about to reach, so accused Md. Alamgir told her to come at Railway over-bridge, Nawada. The

complainant/ informant at about 2.00 P.M. on 16.09.2013 came near Railway over-bridge and met with him and made pressure upon Alamgir to perform Nikah within two days, then again accused, Alamgir took time upon which informant told that she will narrate the aforesaid fact before her parents then accused Alamgir became angry and assaulted her with fist and slaps and denied to perform Nikah. Thereafter, the informant started weeping, nearby people gathered and caught Alamgir and handed over to Chaukidar, Rupesh Kumar and Manoj, who came with them at village Farha and narrated the entire story to the parents of informant, where Md. Alamgir agreed to perform Nikah with informant in presence of both Chaukidar and parents of the informant and others. It is further alleged that parents of informant organized a panchayat in the night of 16.09.2013 and matter was reported to the father, brother and brother-in-law (Bahnoi) of Md. Alamgir who were called to attend panchayat. At about 10.00 P.M. in the night while Panches arrived, one Bolero vehicle came with accused 2 to 8 and demanded Rs. two lacs from the father and brother of informant as dowry. On denial by the father of informant, accused persons assaulted the informant's brother and father and threatened to kill and when other family members and villagers made efforts to rescue them, then accused Md. Shamsad

intercepted them by showing pistol, and then the accused persons along with Md. Alamgir fled away.

It has been submitted by the counsel for the petitioners that the main accused Md. Alamgir has already been granted the privilege of regular bail by a co-ordinate Bench of this Court by an order dated 27.08.2015 passed in Criminal Miscellaneous No.39310 of 2015. It has further been submitted by the counsel for the petitioners that now both the parties have compromised and by Annexure-2 of the petition both the main accused Md. Alamgir and the victim girl, Sabina Khatoon, who is the informant has married each other. It has further been submitted by counsel for the petitioners that the petitioners are agnate and close relative of the main accused namely Md. Alamgir. It has also been submitted by counsel for the petitioners that all the petitioners have clean antecedent, which finds place in paragraph 3 of the petition.

Be that as it may, let the petitioners, above named, in the event of their arrest or surrender within a period of six weeks from today, before the Court below be released on bail on furnishing bonds of Rs. 10,000/- each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Nawada in connection with Akbarpur P.S. Case No.

211 of 2013, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Nilu Agrawal, J)

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