

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2569 of 2016

Arising Out of PS.Case No. -44 Year- 2015 Thana -MAHILA P.S. District- ARRARIA

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1. Md. Aftab S/o kalam
 2. Md. Kalam S/o Late Sk. Karu
 3. Bibi Hazra W/o Md. Kalam
 4. Bibi Pramina @ Bibi Pramin @ Parbin W/o Md. Salim
 5. Bibi Kishmati W/o Md. Kalam All residents of village- Jhhowari, P.S. and District- Araria

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anil Prasad Singh

For the Opposite Party/s : Mr. Damodar Pd.Tiwary(App)

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

3 12-04-2016 Heard learned counsel for the petitioners and learned
counsel for the State.

The petitioners seek pre-arrest bail in connection
with Mahila P.S. Case No. 44 of 2015 registered under Sections
341, 376 and 313/34 of the Indian Penal Code.

It has been contended by the learned counsel for the
petitioners that there is no iota of proof of the allegations made in
the FIR. It is further contended that even if the entire allegations
made in the FIR are to be believed, at best, the ingredients of the
offence punishable under Section 376 of the Indian Penal Code
would be attracted against the co-accused Md. Talib and not the

petitioners.

On the other hand, learned counsel for the State has contended that the co-accused Md. Talib had established physical relationship with the informant of the case on the pretext of marriage and when she got pregnant, he refused to marry her and the accused persons conspired together and terminated her pregnancy by administering some medicines.

Regard being had to the facts and circumstances of the case, in the event of arrest or surrender before the court below within six weeks from today, the petitioners, namely, Md. Aftab, Md.Kalam, Bibi Hazra, Bibi Pramina @ Bibi Pramin @ Parbin and Bibi Kishmati are directed to be released on bail on furnishing bail bond of Rs.10,000/- (Rupees ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Sub Divisional Judicial Magistrate, Araria in connection with Mahila P.S. Case No. 44 of 2015, subject to the conditions as laid down under section 438(2) of the Code of Criminal Procedure.

(Ashwani Kumar Singh, J)

Pradeep/-

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