

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48157 of 2016

Arising Out of PS.Case No. -87 Year- 2016 Thana -BELA District- SITAMARHI

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1. Samsul Ansari @ Samrul Ansari S/o Late Latif Ansari
2. Maimun Khatoon @ Maitul Khatoon @ Maiful Khatoon wife of Samsul Ansari Resident of Village- Shivnagar, P.S.- Bela, District- Sitamarhi.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashhar Mustafa

For the Opposite Party/s : Mr. Ajay Kumar -2

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

2 16-12-2016 Heard the counsel for the petitioners and the State.

The petitioner being the father-in-law and mother-in law of the co- accused Md. Ali Ansari have prayed for grant of anticipatory bail in connection with Bela P.S. Case No. 87 of 2016, registered under Section 376, 109, 323, 341, 379, 504 and 120B of the IPC as well as Section 4 of the POCSO Act.

It is stated that under threat to life co-accused Md. Ali Ansari established physical relationship with her. When she became pregnant and went to the house of the said co-accused, the petitioners being the parents have abused her and not accepted in the house. She has further alleged that two other co-accuseds (not the petitioners) had persuaded her to continue the physical



relationship with the main accused, namely, Md. Ali Ansari.

Contention of the petitioners is that no role in commission of crime has been alleged against the petitioners who are the parents. Only ornamental allegations at the bottom of the complaint which was later treated as an FIR has been alleged against the petitioners. Petitioners being old persons deserve anticipatory bail.

In the facts and circumstances of the case, this Court is inclined to extend the privilege of anticipatory bail to the petitioners. Let the petitioners, named above, in the event of their arrest/surrender before the learned Court below within a period of four weeks from today, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned C.J.M. Sitamarhi, in connection with Bela P.S. Case No. 87 of 2016, 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 bailors shall be the own/close family member of the petitioners.
- (ii) As soon as the charges are framed the petitioners shall appear in person before the trial court on the date(s) fixed at the trial. In case of default in



such appearance on two consecutive dates, the trial Court shall have liberty to cancel the bail bonds of the petitioners and secure their arrest in accordance with law.

(Kishore Kumar Mandal, J)

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