

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.15141 of 2016

Arising Out of PS.Case No. -17 Year- 2016 Thana -FORBESGANJ District- ARRARIA

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1. Md. Tufani @ Majeed son of late Md. Jaan.
 2. Munni Khatoon wife of Md. Tufani.
 3. Md. Raja @ Raza son of Md. Tufani

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Prabhat Ranjan, Adv.

For the Opposite Party/s : Mr. Suman Kumari Singh(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 12-04-2016 Heard learned counsels for the petitioners and the State.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 376 and 120B/34 of the Indian Penal Code.

The prosecution case is that the petitioners got employed the informant as a domestic help in the house of one Md. Ejaj being the Custom Officer where she was working since 25th of October, 2015. On 28th October, 2015 Md. Ejaj established forceful physical relationship with the informant and threatened the informant not to disclose about the incident to anyone. Md. Ejaj also conveyed to the informant that he has paid ₹10,000/- to the informant's land lord. The informant refrained from disclosing the incident due to social prestige. On 09.11.2015, the informant was called by her land lord where Md. Ejaj was present and asked

to resume work and on refusal, the petitioners assaulted her and threatened to implicate in the false case. The informant resumed work. Thereafter Ejaj continued ravishing her.

It is submitted by learned counsel for the petitioners that the informant is the tenant of the petitioners and at earlier point of time, petitioner no.2 got registered Farbishganj P.S. Case No. 673 of 2015 against the informant levelling accusation under Sections 447, 448, 341, 423, 354, 380, 379 and 506/34 of the Indian Penal Code. For the initial occurrence of 25.10.2015, the FIR was registered on 09.01.2016. Though, statement has been made in para 3 of the petition that the petitioners have no criminal antecedent but a supplementary affidavit has been filed that petitioner no.1 is also involved in two other cases apart from present one in which he is on bail. The thrust of accusation is against Md. Ejaj and the petitioners have falsely been implicated due to tenancy dispute. Moreover, in the district of Araria, false implication in cases under Section 376 IPC is rampant.

Considering the fact that the informant was ravished by co-accused Md. Ejaj and delayed lodging of the FIR let the above named petitioners be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of ₹10,000/- (ten

thousand) each with two sureties of the like amount each to the satisfaction of the learned C.J.M., Araria in connection with Forbesganj P.S. Case No. 17 of 2016, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Dinesh Kumar Singh, J)

Amrendra/-

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