

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48869 of 2016

Arising Out of PS.Case No. -34 Year- 2016 Thana -MAHILA THANA District- BEGUSARAI

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1. Jahana Khatoon Wife of Md. Abbas, D/o Late Md. Rafique Resident of Village - Rasok - Marar, P.S. Markahi, District - Khagaria.
2. Md. Ikramul
3. Md. Sirajul Both sons of Late Md. Rafique
4. Md. Rizwan S/o Md. Gulam Rasul Petitioner no. 2 to 4 residents of Village - Dariyapur, P.S. Nayagaon, District - Begusarai.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Siya Ram Shahi, Advocate.

Mr. Shally Kumari, Advocate.

For the Opposite Party : Mr. Akshay Lal Pandit, APP.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 16-12-2016 Heard both sides.

The petitioners apprehend their arrest in Begusarai Sadar Mahila P.S. Case No. 34 of 2016 registered for the offences punishable under Sections 376 and 420 of the Indian Penal Code.

The victim alleged that his co-villager Md. Tezmul on the pretext of marriage established physical relationship with her for last 1½ years. The victim further disclosed that Jahana Khatoon, petitioner no. 1 came and asked her on 26.07.2016 that Md. Tezmul wanted to meet her. The victim further alleged that the accused persons called her and on such Md. Tezmul committed rape with her without her consent.

Learned counsel for the petitioners submits that from perusal of the FIR, itself, it would appear that the victim was a



consenting party and she had established physical relation out of her freewill and consent with Md. Tezmul but in order to implicate the entire family members she made allegation against the petitioners. The petitioners are sister and brothers of Md. Tezmul.

It appears that the victim is a major girl and she disclosed that for last 1½ years Md. Tezmul established physical relationship with her on the pretext of marrying with her.

Considering the facts aforesaid, the petitioners above named, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, are directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the Sub-Divisional Judicial Magistrate, Begusarai in Begusarai Sadar Mahila P.S. Case No. 34 of 2016, Subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J.)

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