

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32662 of 2016

Arising Out of PS.Case No. -55 Year- 2015 Thana -MAHILA P.S. District- KISANGANJ

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1. Halima @ Khaleema wife of Mofiz @ Md. Mofiz resident of Village-
Langraduba, Police Station- Galgalia in the district of Kishanganj.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Raj Kumar

For the Opposite Party/s : Mr. Sri Sanjay Kumar Sharma

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CORAM: HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA
ORAL ORDER

3 28-01-2017 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises out
of Kishanganj (Mahila) Police Station Case No. 55 of 2015,
disclosing offences under Sections 376, 376-D, 372, 373, 343, 366-A,
323, 384, 120-B/34 of the Indian Penal Code.

According to the prosecution, victim was kidnapped by
the petitioner along with others and was gang raped by co- accused
persons and thereafter sold to one of the accused Minhaz.

Learned Counsel for the petitioner has submitted that the
petitioner has falsely been implicated in this case due to village
politics. From the F.I.R., it is evident that no any overt act has been
done by this petitioner. Moreover, the victim girl is gracefully
marriage with one Minhaz, who is also been made an accused in this



case. The entire case has been lodged after 5-6 months from the date of occurrence. Even in the statement recorded under Section 164, the victim has nowhere disclosed the name of this petitioner for the alleged occurrence. Further, co-accused, namely, Shamim, Saddam, Azad, Minhaz, Salmu, Hafiz and Kuddus have already been granted anticipatory bail vide Cr. Misc. NO. 7844 of 2016 by a co-ordinate Bench of this Court. The case of this petitioner stands on better footing that the co-accused, who have already been granted bail. Hence, the petitioner also deserves the privilege of anticipatory bail.

Considering the facts and circumstances of the case, let the petitioner in the event of his arrest or surrender before the Court below within six weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Kishanganj, in connection with Kishanganj (Mahila) Police Station Case No. 55 of 2015, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Arvind Srivastava, J)

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