

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.17106 of 2017

Arising Out of PS.Case No. -361 Year- 2016 Thana -DHAKA District-
EASTCHAMPARAN(MOTIHARI)

- =====
1. Jaharun Nesa @ Jahrun Nesa, wife of Hakim Ansari.
 2. Hakim Ansari, son of Late Hanif Ansari.
 3. Ajeem Ansari, son of Late Hanif Ansari.
 4. Sajid Ansari, son of Hakim Ansari.
 5. Nazir Ansari, son of Hakim Ansari.
- All resident of village-Haruani, P.S. Dhaka, District-East Champaran.

.... Petitioners.

Versus

The State of Bihar

.... Opposite Parties,

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Appearance :

For the Petitioners : Mr. Abhishek Kumar, Advocate.
For the State : Mr. Tapeswar Sharma, A.P.P.
For the Complainant/Informant : Mr. Zaki Haider, Advocate.

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

3 04-07-2017 Heard learned counsel for the petitioners and the learned
A.P.P. for the State as also the learned counsel for the informant.

The petitioners apprehend their arrest in connection with
Dhaka P.S. Case No.361 of 2016 registered under Sections 341,
323, 376, 354A, 406, 420, 504, 506 and 120-B of the Indian Penal
Code.

The allegation of the complainant/informant Raushan
Khatoon is that she and the accused persons reside in the same
village-Haruani. For the last six months, the accused no.1 Majid
Ansari used to tease her. When she narrated about the said



incident to her parents, her parent alongwith her neighbour went to make complaint regarding the same to the accused nos.2 and 3 (petitioner nos.1 and 2), the mother and father of Majid Ansari, on which they started to misbehave with the father of the complainant/informant. However, thereafter, the petitioner nos.1 and 2 called Majid Ansari and started to make query with him in presence of the people on which Majid Ansari told that he likes the complainant/informant and showed his desire to perform Nikah with her. Thereafter, the accused persons became ready to perform the Nikah of the complainant/informant with Majid Khan. In the meantime, on 28.09.2016, when the complainant/informant was going to the house of her maternal grandmother (Nani), Majid Ansari met her in the way and asked her that his parents and brother are not in the house and caught hold of the complainant/informant and committed rape on her on the pretext of performing the Nikah with her. Anyhow, the complainant/informant came to the house of her maternal grandmother (Nani) and narrated about the incident. On hearing this, the family members of the complainant/informant came to the conclusion that when the accused nos.1, 2, 3 and 4, namely, Majid Ansari, Hakim Ansari (petitioner no.2, the father of Majid Ansari), Jaharum Nesa (petitioner no.1, the mother of Majid Ansari) and



Ajeem Ansari (petitioner no.3, the uncle of Majid Ansari), would return, they would talk with them to perform the Nikah of the complainant/informant with Majid Ansari and on their return, when they talked for the same with them, they became furious and refused to perform the Nikah. Thereafter, on the pressure of the villagers, they told that if Rs.75,000/- and one motorcycle would not be given in dowry, they will not perform the Nikah.

Learned counsel for the petitioners submits that it would appear from the complaint petition, which is the basis of the present F.I.R., that the specific allegation of teasing and making physical relation with the complainant/informant is against the accused no.1 Majid Ansari. There is no specific allegation against the petitioners, who are parents, uncle and brothers of Majid Ansari, except that they have refused to perform the Nikah of Majid Ansari with the complainant/informant.

On the other hand, learned counsel for the informant/complainant submits that it has come in the impugned order dated 27.03.2017 passed in A.B.P. No.3043 of 2016 by the court of the 6th Additional Sessions Judge, Motihari, whereby the prayer of the petitioners for grant of anticipatory bail has been rejected, that at the time of her appearance in the court below, the complainant/informant was minor and due to latches of the police,



neither her statement under Section 164 of the Code of Criminal Procedure was recorded nor she was medically examined.

Having considered the facts and the circumstances of the case, let the petitioners, above named, in the event of their arrest or surrender by them within six weeks from today, be enlarged on bail on their furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the Sub-Divisional Judicial Magistrate, Sikrahana at Dhaka, East Champaran, in connection with Dhaka P.S. Case No.361 of 2016, subject to the conditions laid down under Section 438(2) Cr.P.C.

(Rajendra Kumar Mishra, J)

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