

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.23010 of 2017

Arising Out of PS.Case No. -195 Year- 2015 Thana -SINGHESHWARASHTHAN District-
MADHEPURA

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1. Domani Khatoon, wife of Jahageer, resident of Village- Gahumani,
Ward No.7, P.S.- Singeshwar, District- Madhepura.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dinesh Prasad Verma, Advocate

For the Opposite Party/s : Mr. Sunil Kumar Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2/ 23-05-2017

Heard learned counsel for the Petitioner and the
State.

The Petitioner apprehends her arrest in Singeshwar
P.S. Case No.195 of 2015 instituted for the offence under
Section(s) 376 and 120-B Indian Penal Code.

As per written report, daughter of the informant,
Gulshan Khatoon, aged about 13 years, had gone to the house of
Roushan Khatoon, where one Akbar committed rape upon her in
a room. It is alleged that Roushan Khatoon closed the door from
outside and thereafter one Akbar committed rape with the
daughter of the informant. It is further alleged that this petitioner
also helped Raushan Khatoon.

It has been submitted on behalf of the petitioner
that, now, the victim, Gulshan Khatoon, has been married with



Akbar and they are living happily for which one compromise petition has also been filed in the lower court.

It has further been submitted that co-accused, Md. Akbar, has already been granted regular bail by a co-ordinate Bench of this Court by order dated 23.12.2016 passed in Cr. Misc. No.54596 of 2016.

From the written report, it appears that there is no allegation of any specific overt act against this petitioner. She is mother of Raushan Khatoon. Statement of the victim, Gulshan Khatoon, recorded under Section 164 Cr. P.C. has been annexed as Annexure-2, wherein, the victim girl has nowhere alleged any specific overt act against this petitioner.

In the facts and circumstances of the case, prayer of the petitioner for grant of anticipatory bail is allowed. In the event of surrender/arrest of the petitioner, named above, within six weeks from today in connection with Singeshwar P.S. Case No.195 of 2015, she shall be released on anticipatory bail on furnishing bail bond of ₹10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Madhepura, subject to the conditions as laid down under Section 438(2) Cr. P. C. with further conditions (1) bailors should be local having sufficient immovable property within the



jurisdiction of the court concerned, (2) petitioner shall cooperate in the trial and shall be present on each and every date fixed by the court and absence on two consecutive dates without proper and reasonable reason will automatically cancel bail bond of the petitioner and (3) if petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(Sanjay Priya, J)

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