

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41996 of 2017

Arising Out of PS.Case No. -13 Year- 2017 Thana -MAHILA PS District- AURANGABAD

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Shabina Khatoon @ Shamina Khatoon wife of Md. Zainu, resident of
village - Baturi, P.S. - Kasma, District - Aurangabad.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manish Kumar, Advocate
For the Informant : Mr. Dinesh Kumar, Advocate
For the State : Mr. Asharaf Ansari, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR
SINGH
ORAL ORDER

2 21-09-2017 Heard learned counsel for the petitioner, learned counsel
for the informant and learned counsel for the State.

The petitioner seeks pre-arrest bail in connection with
Aurangabad Mahila P.S. Case No.13 of 2017 registered under
Sections 376, 313 and 120B of the Indian Penal Code (for short
'the IPC'), Section 4 of the Protection of Children from Sexual
Offences Act (for short 'POCSO Act') and Sections 3 and 4 of the
Dowry Prohibition Act.

It is submitted by the learned counsel for the petitioner
that the offences alleged under Section 376 of the IPC and Section
4 of the POCSO Act would not be attracted against the petitioner
in view of the fact that she is a lady. He has submitted that even in



the FIR the informant has categorically stated that it was co-accused Nasrin Khatoon, who took her to the clinic of the doctor and was instrumental in causing miscarriage without the informant's consent.

Learned counsel for the informant has vehemently opposed the prayer for grant of pre-arrest bail to the petitioner. He has submitted that it would be evident from the impugned order that the petitioner was also a co-conspirator along with Nasrin Khatoon in getting the pregnancy of the informant terminated.

Having heard the parties and considering the nature of allegations, the petitioner named above is directed to 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 Special Judge (POCSO Act), Aurangabad in connection with Aurangabad Mahila P.S. Case No.13 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, in the event of arrest or surrender before the court below within six weeks.

(Ashwani Kumar Singh, J)

Md.S./-

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