

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37825 of 2018

Arising Out of PS.Case No. -80 Year- 2018 Thana -MUSAHRI District- MUZAFFARPUR

- =====
1. Aamna Khatoon, W/o Md. Noor Hassan, R/o Vill.- Rohua Apuchh, P.S.- Mushahari, District- Muzaffarpur.
 2. Md. Noor Hassan @ Noor Hassan S/o Late Mahmad Mian, R/o Vill.- Rohua Apuchh , P.S.- Mushahari, District- Muzaffarpur.
 3. Md. Deen @ Mohamoddin S/o Md. Noor Hassan, R/o Vill.- Rohua Apuchh , P.S.- Mushahari, District- Muzaffarpur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shashi Bhushan Singh

For the Opposite Party/s : Mr. Sri Sakir Ahmad

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

02/ 03-07-2018

Heard learned counsel for the petitioners and

learned APP for the State.

The petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 448, 376 and 506/34 of the Indian Penal Code.

The prosecution case as per the written report of Khushbu Ara dated 05.05.2018 submitted to Station House Officer, Mushahari P.S. is to the effect that co-villager Md. Sarfuddin @ Chhotu used to visit the house of the informant and was impressed by her behaviour and hence, he proposed to marry her, two years prior to the lodging of the case.



Consequently Sarfuddin established physical relationship with the informant on promise of marriage and continued the same, but subsequently refused to marry. It is alleged against the petitioners being the parents and brother of Sarfuddin that they also promised for the marriage, but subsequently they also refused.

It is submitted by learned counsel for the petitioners that even assuming the accusation to be true, no offence under Section 376 of the I.P.C. is made out against the petitioners. The case has been lodged with inordinate delay as the informant continued to have relationship with Sarfuddin, since two years prior to the lodging of the case. A statement has been made in paragraph 3 of the petition that the petitioners are not having any criminal antecedent.

Learned APP, however, submits that the petitioners are named in the FIR.

Considering the fact that the thrust of accusation is against co-accused Sarfuddin and statement has been made in paragraph 3 of the petition that the petitioners are not having any criminal antecedent, let the above named petitioners be released on anticipatory bail in the event of arrest or surrender before the learned Court below within a period of twelve weeks



from today, on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Sub Judge – VI, Muzaffarpur cum ACJM – VI, Muzaffarpur in connection with Mushahari P.S. Case No. 80 of 2018, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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