

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6478 of 2018

Arising Out of PS. Case No.-230 Year-2017 Thana- NANHPUR District- Sitamarhi

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SHAHNAZ KHATOON @ SHAHNAZ BEGUM, W/o Md. Jahir, R/o
Village Basopatti, P.S.- Nanpur, District- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dinesh Jha, Adv.

For the Opposite Party/s : SRI RAJBALLABH SINGH, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 02-02-2018 Heard learned Counsels for the petitioner and learned APP
for the State.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 376, 201 of the Indian Penal Code and sections 4/8 of the POCSO Act.

The prosecution case got initiated on the basis of written report dated 18.07.2017 submitted by Rajeena Khatoon to the Station House Officer, Nanpur Police Station to the effect that on 14.07.2017, at about 3.00 P.M., the informant returned to her house where her minor daughter Saheeda Khatoon was alone and when the informant reached home, she heard the groaning sound of her daughter, upon which, she knocked the door, whereupon, Md. Jafar came out from the house in naked condition and fled away. Thereafter, the informant entered into



the house and found that her daughter laying down on the ground and the salwar was pulled down below the knees. On being asked from the victim by the informant, she conveyed that Md. Jafar ravished her forcibly. Thereafter, the informant went to the house of this petitioner, when Shahnaz Khatoon, the mother of Md. Jafar assured her that if her son Md. Jaffar has committed rape upon the informant's daughter, then she will marry the victim with her son. But, subsequently, she declined to get her son married with the victim. It is further alleged that in 164 of the Cr. P.C. statement the victim has named the petitioner also.

It is submitted by learned Counsel for the petitioner that though the petitioner is named in the FIR, but on conclusion of investigation, the police submitted the final form (chargesheet) under sections 376, 120B/34 of the I.P.C. and sections 3/8 of the POCSO Act against Md. Jafar and husband of the petitioner, while investigation was kept pending against this petitioner. Moreover, the thrust of accusation is against Md. Jafar, not against the petitioner. The petitioner, being lady is having no criminal antecedent, a statement to that effect has been made in paragraph no.3 of the petition.

It is submitted by learned APP for the State that the victim



has named this petitioner in 164 of the Cr.P.C. statement.

Considering the thrust of accusation against co-accused Md. Jafar, the son of the petitioner, coupled with statement made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent, let the above named petitioner be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions Judge-cum-Special Judge, Sitamarhi, in connection with Nanpur P.S. Case No.230 of 2017, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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