

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.62003 of 2018

Arising Out of PS. Case No.-44 Year-2018 Thana- TEKARI District- Gaya

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1. Md. Rafique, Son of Late Sidique,
 2. Tara Khatoon, W/o Md. Rafique,
 3. Shahani Khatoon, D/o Md. Rafique,
 4. Iliyas Mian, Son of Late Gulam Rasul, All resident of Village-Kochi, P.S.- Guraru, District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sudhir Kumar Sinha
For the Opposite Party/s : Mr. Narsingh Tanti

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 11-12-2018 Heard learned counsels for the petitioners and the State.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 120B and 376 of the IPC, Section 4 of POCSO Act and Sections 3/7 of Dowry Prohibition Act.

The prosecution case, as per the written report of Khushboo Khatoon submitted to the Station House Officer, Guraru Police Station, is to the effect that the informant developed physical relationship with her neighbor, co-accused Md. Tausif. It is further alleged that Md. Tausif kept on having physical relationship on the pretext of marrying her and on



03.03.2018, when the informant asked him to marry her, he refused to marry her since the family members including the petitioners demanded a sum of Rs. 1,00,000/- as dowry from the informant and her family members.

It is submitted by the learned counsel for the petitioners that the petitioners are the father, mother, sister and maternal uncle of the accused Md. Tausif. It is further submitted that now the issue has been settled between the parties and co-accused Md. Tausif have performed marriage with the informant. Subsequently, an affidavit has been filed to that effect which has been brought on record. A statement has been made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent.

It is submitted by the learned APP for the State that the petitioners are named in the FIR.

Considering the thrust of accusation is against the co-accused Md. Tausif, coupled with the statement made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent, let the above named petitioner be released on anticipatory bail in the event of arrest/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 like amount each to the satisfaction of learned **Additional Sessions Judge 1st cum Special Judge (POCSO Act), Gaya** in connection with **POCSO Case No. 27 of 2018** arising out of **Guraru P.S. Case No. 44 of 2018** subject to the condition as laid down under Section 438(2) of the Cr. P.C.

(Dinesh Kumar Singh, J)

Deepak/Rahul/-

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