

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.73693 of 2018

Arising Out of PS. Case No.-342 Year-2018 Thana- BHAGWAN BAZAR District- Saran

1. Momina Khatoon @ Mobina Khatoon, wife of Ekram Ahmad
2. Azmeri Khatoon, wife of Jalil Ahmad @ Jamil Ahmad
3. Jalil Ahmad @ Jamil Ahmad, son of late Hasim Khan
All are residents of Brahmpur, P.S. -Bhagwan Bazar, District-Saran.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Harish Kumar, Adv.

For the Opposite Party/s : Mr. Ganesh Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 21-12-2018 Heard learned Counsel for the petitioners and
learned APP for the State.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 376/511/34 of the Indian Penal Code.

Initially, the prosecution case got initiated with filing of Complaint Case No. 467/2018, which came to be registered as police case, being Bhagwan Bazar P.S Case No.342/2018, after its being transferred under Section 156(3) of the Code of Criminal Procedure. It is alleged by the informant that on 15.02.2018 at 10.00 P.M., the co-accused, Imran Khan, who is brother-in-law (devar) of the informant entered into the room of the informant and tried to ravish her. On alarm being raised,



when other inmates came, the informant could be saved. Thereafter, the inmates of the informant asked her not to disclose this fact to her husband, but the informant disclosed the incident to her husband when he reached, as a result the informant along with her husband and child were ousted from the matrimonial house.

It is submitted by learned counsel for the petitioners that the thrust of accusation is against co-accused, Imran Khan, who is not the petitioner. In fact, in the background of family dispute, the accusation has been levelled. However, even assuming the accusation to be true, no offence under Section 376/511/34 of the I.P.C. is made out against the petitioners. 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 learned APP for the State that the petitioners are named in the FIR.

Considering the thrust of accusation against co-accused, Imran Khan, coupled with statement made in paragraph no.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 12 weeks



from today, on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned CJM, Saran in connection with Bhagwan Bazar P.S. Case No.342/2018, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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