

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.54276 of 2018

Arising Out of PS.Case No. -41 Year- 2018 Thana -MAHILA P.S. District- ARARIA

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1. Bibi Parveen @ Rubi Parveen, W/o Shamim,
2. Shamim, S/o Late Rusta,
Both R/o Vill.- Bhansia, P.S.- Jokihat (Mahalgaon), District- Araria.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Md. Ziaul Quamar

For the Opposite Party/s : Mr. Shailendra Kumar -1

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL ORDER

3 08-10-2018 Heard learned counsel for the petitioners and learned
APP for the State.

Petitioners are seeking anticipatory bail in connection with Araria (Mahila) P.S. Case No.41 of 2018 registered for offences punishable under Sections 376 and 313/34 of the Indian Penal Code.

Learned counsel for the petitioners submits that the petitioners are parents of Md. Abu Nasar. The informant is major aged about 19 years and the allegation is that on the pretext of marriage she had been made to enter into physical relationship with Md. Abu Nasar. It is submitted that according to FIR informant went with her niece Nashiba aged about eight years, but



during investigation no statement by Nashiba and not a single word has been stated about presence of Nashiba.

It is submitted that the allegation against the petitioners that they had caused abortion of the informant is palpably false allegation and has been purposely made to implicate these petitioners in the present case. It is submitted that there is no evidence of any medical report or any kind of report about pregnancy of the informant. Learned counsel further submits that there is a dispute between the father of the informant and these petitioners over construction of a house over the land for which petitioner no.2 has filed information petition before the S.D.O., Araria on 01.05.2018. It is alleged that the father of the informant had threatened the petitioners that if they would not hand over the land, he would file a rape case against them through his daughter.

Learned APP for the State is present and has gone through the case diary. The medical report of the informant is present in the case diary. The informant is major between 18 to 20 years of age and as per the examination there was no evidence of fresh sexual assault. It appears that the informant was sent for medical examination immediately after lodging of the case on 09.05.2018. However, no injury has been found on any part of the body including private part of the informant. In the supervision



note it has come that Md. Abu Nasar had refused to marry the informant and thereafter the present case was lodged. In her 164 Cr.P.C. statement she has alleged that Md. Abu Nasar had given her medicine which caused abortion.

In the given facts and circumstances of the case where these petitioners are the parents of said Md. Abu Nasar and in course of investigation no material could be collected for the present to connect these petitioners in the matter of giving medicines causing abortion to the informant, in case of arrest or surrender of the petitioners within a period of four weeks from today, the above named petitioners are directed to be enlarged on bail on furnishing bail bonds of Rs.15,000/- (fifteen thousand) each with two sureties of the like amount each to the satisfaction of the learned S.D.J.M., Araria in connection with Araria (Mahila) P.S. Case No.41 of 2018 (G.R.No.1298 of 2018), subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Rajeev Ranjan Prasad, J)

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