

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.57925 of 2018

Arising Out of PS. Case No.-40 Year-2017 Thana- MAHILA P.S. District- Araria

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1. Md. Nasim S/o- Raisuddin @ Md. Raisuddin,
 2. Roshan Ara W/o Raisuddin @ Md. Raisuddin, Both are R/o Village- Sanjheli, Ward No. 2, P.S. Raniganj, District- Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md. Naushad Uzzoha

For the Opposite Party/s : Mr. Sri Dashrath Mehta

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

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

The petitioners are apprehending their arrest in a case registered under Sections 376, 506,34 of the Indian Penal Code and Sections 3 and 4 of POCSO Act.

The prosecution case, in short, is on the pretext of marriage, the accused person established physical relation with the informant and later threatened to kill her.

It has been submitted on behalf of the petitioners that the petitioners have got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioners. The petitioners have falsely been implicated in the present case. As per the allegation, the son of petitioner no. 2



established physical relationship with the victim on the pretext of marriage. Petitioners are the brother and mother of the co-accused Wasim, hence, for the said reason, they have been made accused in the present case. Specific allegation is against co-accused Wasim.

On behalf of the State, it is submitted that the petitioners are named in the F.I.R./complaint case.

Considering the aforesaid facts and circumstances, let the petitioners, above named, in the event of arrest/surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned 1st Addl. Sessions-cum- Special Judge, Araria in connection with Special (POCSO) Case No. 24/2017 arising out of Mahila P.S. Case No. 40/2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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