

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.68089 of 2018

Arising Out of PS. Case No.-212 Year-2016 Thana- SAMASTIPUR MUFFASIL District-
Samastipur

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1. Rafiun Nisha W/o- Md. Khurshid,
 2. Husane Bano W/o- Md. Amin Nurul @ Md. Nurul, Both are Resident of Village- Bikrampur, Bandey, P.S. Samastipur, Muffasil, District- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nafisuzzoha

For the Opposite Party/s : Mr. Sri Anil Prasad Singh

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 17-12-2018 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 363, 365, 366A/34 of the Indian Penal Code and Section 4 of the Protection of Children from Sexual Offences Act.

The prosecution case as per the written report of Mustari Begum dated 03.08.2016 submitted to the Station House Officer of Samastipur Muffasil Police Station is to the effect that on 03.08.2016 at 5.00 A.M. the daughter of the informant, Yufan Parveen went outside to ease but she did not return. Thereafter, search was made and informant came to



know that her neighbours Md. Rashid and Mujibur Rahman have kidnapped the daughter of the informant.

It is submitted by learned counsel for the petitioners that in the statement recorded under Section 164 Cr.P.C. the victim has not named anyone including the petitioners. In the statement under Section 164 Cr.P.C. the victim has got her age recorded as 16 years when the Court has assessed her age as 17 years. It is further submitted that on conclusion of the investigation the petitioners and others were not sent up for trial but differing with the final form cognizance has been taken. A statement has been made in paragraph 3 of the petition that the petitioners are not having any criminal antecedent.

Learned APP submits that the petitioners are named in the FIR.

Considering the fact that the accusation has not been corroborated by the victim in her statement recorded under Section 164 Cr.P.C. and the petitioners are ladies, 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 twelve weeks from today, on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Special Judge cum-



A.D.J.-I, POCSO Act, Samastipur in connection with
Samastipur Muffasil P.S. Case No. 212 of 2016, subject to the
conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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