

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.65443 of 2018

Arising Out of PS. Case No.-48 Year-2018 Thana- MAHILA P.S. District- Siwan

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1. Ashu @ Ashique, Son of Chhote @ Jamil @ Jamil Ahmad,
 2. Gulshan Khatoon, Wife of Sahabuddin, Both resident of Village- Saidpur, Police Station- Goreakothi, District- Siwan.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raghav Prasad

For the Opposite Party/s : Mr. Sri Anant Kumar

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 13-12-2018 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 Section 376 of the Indian Penal Code and Sections 6/8 of the Protection of Children from Sexual Offences Act, 2012.

The prosecution case as per the written report of Arfa Parween dated 07.07.2018 submitted to the Station House Officer of Siwan Mahila Police Station is to the effect that 2 ½ months prior to the lodging of the present case, the informant was called by Gulshan Khatoon, petitioner no. 2 at her house where co-accused ravished her in presence of petitioner no. 1,



Ashu @ Ashique.

It is submitted by learned counsel for the petitioners that not only the FIR has been lodged with inordinate delay but in the statement recorded under Section 164 Cr.P.C., the informant has denied the factum of rape and considering the same, main accused Golu has been granted anticipatory by co-ordinate Bench of this Court vide Cr. Misc. No. 51977 of 2018. 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 with specific accusation.

Considering the fact that the thrust of accusation is against Golu, who has been granted anticipatory bail, coupled with statement made in paragraph 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 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 Additional Sessions Judge-I -cum- Special Judge, Siwan in connection with Siwan Mahila P.S. Case No. 48 of 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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