

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.70165 of 2018**

Arising Out of PS. Case No.-77 Year-2018 Thana- MAHILA P.S. District- Araria

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1. Bibi Rahmati @ Rahmati, Wife of Late Abdul Quiyum,
  2. Nikhat Imrana, Wife of Md. Javed,
  3. Raunak, Wife of Ali Akbar @ AkbarAli, All resident of Village- Baturbani Narar Tola Ward NO. 13, P.S. Tarab.....ri, Distt.- Araria.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Anil Kumar

For the Opposite Party/s : Mr. Pranav Kumar

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH**  
**ORAL ORDER**

2      06-12-2018                      Heard learned counsels for the parties.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 376/34 of the IPC and Sections 3 and 4 of Prevention of Children from Sexual Offences Act.

The prosecution case as per the written report of Md. Alam dated 29.7.2018 submitted to the Mahila Police Station, Araria is to the effect that before four months prior to the lodging of the case, co-accused Md. Chunna on the point of knife ravished the deaf and dumb minor daughter of the informant, namely, Farhana and subsequently, on the promise of marrying her, he kept on ravishing her and when she became pregnant, an



attempt was made to terminate her pregnancy. Subsequently, the issue was reconciled when Md. Chunna agreed to marry her but the proposal of marriage was objected by the petitioners who are mother and sister-in-law (bhabhi) of Md. Chunna.

It is submitted by learned counsel for the petitioners that the thrust of accusation is against co-accused Md. Chunna and the FIR has been lodged with inordinate delay. It is further submitted that age of the victim has been assessed between 18-20 years and no injury has been found suggesting rape being committed upon the victim girl. However, learned counsel for the petitioners submits that the petitioner no.1 undertakes that she will get her son Md. Chunna surrendered.

It is submitted by learned counsel for the informant that the victim is deaf and dumb and due to action or inaction of the petitioners, she could not be repatriated and the main accused Md. Chunna, has still not surrendered.

Considering the fact that thrust of accusation is against co-accused Md. Chunna, let the petitioners above named be released on anticipatory bail in the event of arrest or surrender within 12 weeks 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, Araria in



connection with Araria Mahila P.S. Case No.77 of 2018 (Special  
(POCSO) Case No. 41 of 2018 subject to the conditions laid  
down in Section 438(2) of the Cr.P.C.

**(Dinesh Kumar Singh, J)**

anil/-

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