

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.70175 of 2018

Arising Out of PS. Case No.-505 Year-2018 Thana- NATHNAGAR District- Bhagalpur

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1. Md. Raju, Son of Late Md. Musha,
 2. Bibi Sajmun @ Sajmun, Wife of Late Md. Musha, Both are resident of Village- Rahmat Bagi, P.S.- Madhusudanpur, District- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajive Ranjan Singh

For the Opposite Party/s : Mr. Smt. Pushpa Sinha

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 07-12-2018 Heard learned counsel for the petitioners and learned counsel for the State.

It is submitted by learned counsel for the petitioners that petitioner no. 1, Md. Raju has been arrested and hence, his application has become infructuous and accordingly, it is disposed of.

Petitioner no. 2 is apprehending her arrest in a case registered for the offences punishable under Sections 376, 420, 504, 323, 504/34 of the Indian Penal Code and Section 8 of the Protection of Children from Sexual Offences Act, 2012.

The prosecution case, as per the written report of Chandani, submitted to the D.I.G., Bhagalpur, is to the effect that one Md. Afroj used to visit the house of the informant and six months prior to the occurrence, when the informant was alone in her house, Md. Afroj came and ravished her and



thereafter, he used to have physical relation with her on the pretext of marrying her. Subsequently, when the informant got pregnant, she conveyed the same to Bibi Sajmun, petitioner no.2, who is the mother of Afroj, who asked the informant not to disclose the matter to anyone and assured to get her married to Md. Afroj. Subsequently, on 08.07.2018, Md. Afroj got married with some other lady with the consent of petitioner no. 2 and other family members and when the informant along with her parents went to the house of the informant, they were brutally assaulted.

It is submitted by learned counsel for the petitioner that the petitioner no. 2 happens to be mother of Md. Afroj and thrust of accusation is against Md. Afroj. A statement has been made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent. Moreover, petitioner no. 2 is a lady.

Learned APP submits that the petitioner is named in the FIR.

Considering the fact that thrust of accusation is against Md. Afroj, petitioner no. 2 is a lady and in the statement recorded under Section 164 Cr.P.C. to the effect that the informant has not named petitioner no. 2 in the occurrence, let the above named petitioner no. 2 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) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-Ist, Bhagalpur in connection with Nathnagar (Lalmatia) P.S. Case No. 505 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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