

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.14751 of 2018

Arising Out of PS.Case No. -6 Year- 2017 Thana -MAHILA P.S. District- ARRARIA

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1. Hasir Mian, S/o Late Gafur @ Md. Gafur,
 2. Md. Jamil S/o Late Gafur @ Md. Gafur,
 3. Md. Alam S/o Jalil,
 4. Md. Murtajis @ Md. Murtajil S/o Jalil,
 5. Md. Ahad @ Ahad S/o Yusuf @ Md. Yusuf,
 6. Md. Sahid @ Sahid S/o Yusuf @ Md. Yusuf,
 7. Md. Bablu S/o Hasir, All R/o Village- Jhirwa, Purwari, P.S.- Simraha,
District- Araria.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Md. Naushad Uzzoha, Advocate

For the Opposite Party : Mr. Suresh Prasad Singh, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR
ORAL ORDER

2 09-04-2018

Heard.

The petitioners apprehend arrest in connection with Araria (Mahila) P.S .Case No.06 of 2017 registered for an offence under Section 376 and other allied sections of the IPC.

The informant lodged an FIR at Mahila police station on 04.03.2017 alleging that accused Sablu committed rape on her for about two months ago when she had gone to meet the call of nature. The said Sablu used to co-habit regularly and given false assurance for performing marriage. She has further alleged that on 24.02.2017 he again forcibly committed rape on her and when she raised hulla, her family members came and caught hold of accused



Sablu. The other accused giving assurance that the matter would be settled after convening a Panchayat for performing the marriage with the victim girl. She has further alleged that all the accused persons entered into her house and assaulted the informant and other family members and also took away her house hold articles.

It has been submitted that the allegation of alleged rape is against Sablu and not against any of the petitioners before this Court. The petitioners are father and family members related as brother and cousin against whom there is omnibus allegation. The alleged occurrence took place on 24.02.2017 but the FIR was lodged on 03.03.2017 without explaining any reason of delay

Learned APP opposed the submissions.

Considering the aforesaid facts and circumstances, prayer for anticipatory bail is allowed. Let the above named petitioners in the event of their arrest or surrender before the court below within six weeks from today be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of SDJM, Araria in connection with Araria (Mahila) P.S.Case No.06 of 2017, subject to the conditions as laid down under section 438(2) of the Cr.P.C.



- (i) One of the bailors of the petitioners shall be a local person having sufficient immovable property within the jurisdiction of the concerned Court.
- (ii) The petitioners will not induce any witness or tamper with the evidence.
- (iii) The petitioners shall cooperate in the disposal of trial and make themselves available as and when required by the court and on the event of failure on his part to appear before the court below on two consecutive dates without showing any genuine reasons, the prosecution is free to move for cancellation of his bail.

(Sanjay Kumar, J)

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