

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.70829 of 2018

Arising Out of PS. Case No.-123 Year-2018 Thana- BELA District- Sitamarhi

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1. Abdul Haadi @ Abdul Hadi, Son of Late Hanif,
 2. Asma Khatoon, Wife of Abdul Haadi @ Abdul Hadi, Both are residents of Village- Kanhwan, Police Station- Bela, District- Sitamarhi.
 3. Noor Jahan Khatoon, Wife of Abdul Sakur, Resident of Village- Bairgiya, Police Station- Jaleshwar, District- Mahotari (Nepal).

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Uday Kumar

For the Opposite Party/s : Mr. Sir Pramod Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 18-12-2018 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 341, 323, 504, 506, 376 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 Khatoon submitted to Station House Officer of Bela Police Station is to the effect that in November, 2017 the informant went to her parental uncle, Mahboob Raja's house, in the district of Sitamarhi, where his neighbour, Abdul Hadi, petitioner no. 1 along with Md. Afzal, the grandson of petitioner



no. 1, used to reside. Subsequently, Md. Afzal developed intimacy with the informant and promised to marry her. Md. Afzal used to establish physical relationship with her in the absence of the informant's uncle. On 29.06.2018, Md. Afzal established physical relationship and thereafter gave her some sweets, as a result of which she fell unconscious and thereafter, the uncle of Md. Afzal also established physical relationship with her. When the informant conveyed all those facts to her uncle, then they called the grandfather, grandmother and mother of co-accused Md. Afzal to defuse the issue but they refused to get Md. Afzal married with the informant.

It is submitted by learned counsel for the petitioners that thrust of accusation is against Md. Afzal and in the statement recorded under Section 164 Cr.P.C. the informant has levelled the accusation of establishing physical relationship against Md. Afzal and his uncle only because they refused to get the victim married with Md. Afzal. It is further submitted that during the medical examination of the victim, she has been found aged 18 to 19 years.

Learned APP submits that the petitioners are named in the First Information Report.

Considering the thrust of accusation against Md. Afzal



and the victim has been found major during medical examination, 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 1st Additional Sessions Judge -cum- Special Judge, Sitamarhi in connection with Bela P.S. Case No. 123 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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