

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36212 of 2018

Arising Out of PS.Case No. -38 Year- 2017 Thana -BHAWANIPUR District- PURNIA

- =====
1. Md. Mustafa Ansari, son of Mahiuddin Ansari
 2. Nasima Khatoon, daughter of Mahiuddin Ansari

Both are residents of village- Pathaldanga, P.S.- Dandkhora,
District- Katihar.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Jha, Advocate

For the Opposite Party/s : Mr. Bhanu Pratap Singh, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL ORDER

2 04-07-2018 Heard learned counsel for the petitioners and learned
counsel for the State.

The petitioners seek pre-arrest bail in connection with
Special Case No.87 of 2017 arising out of Bhawanipur P.S. Case
No.38 of 2017 registered under Sections 363 and 366A of the
Indian Penal Code.

Considering the statement of the victim recorded under
Section 164 of the Code of Criminal Procedure, as contained in
Annexure-2 to the present application, wherein she has alleged
that petitioner no.1 Md. Mustafa Ansari repeatedly raped her
against her wishes, I am not inclined to grant him pre-arrest bail.
Accordingly, his application for grant of pre-arrest bail is rejected.

So far as petitioner no.2 Nasima Khatoon is concerned,



in the event of arrest or surrender in the court below within six weeks from today, she is directed to be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned 1st Additional Sessions Judge-cum-Special Judge (POCSO), Purnea in connection with Special Case No.87 of 2017 arising out of Bhawanipur P.S. Case No.38 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Ashwani Kumar Singh, J)

Md.S./-

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