

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.56262 of 2018

Arising Out of PS. Case No.-213 Year-2018 Thana- MAHESI District- East Champaran

Nashima Khatoon wife of Md. Hasim @ Md. Hasib Shekh resident of village
- Sulsabad Barharha, Police Station - Mehshi, District - East Champaran.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ratnakar Ambastha

For the Opposite Party/s : Mr. Ram Priya Sharan Singh, APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 10-12-2018 Heard the learned counsel for the petitioner and

the State.

The petitioner seeks bail in anticipation of her arrest in connection with Mehshi P.S. Case No. 213 of 2018 dated 23.06.2018 instituted for the offences under Sections 376, 313, 315, 323, 341, 504, 506 and 34 of the Indian Penal Code.

The son of the petitioner is stated to have committed rape upon the prosecutrix in her absence which resulted in the pregnancy of the prosecutrix. The petitioner is alleged to have given some medicine to the victim for the purposes of aborting the child in the womb of the victim.



Learned counsel for the petitioner has drawn the attention of this Court to the fact that in the F.I.R. it has been specifically alleged that after the victim was diagnosed to be carrying pregnancy of about seven months, she was brought by her mother and kept in the house of the petitioner.

There appears to be, it has been argued, some attempt to frame the entire family of Md. Shahid who is said to have had subjected the prosecutrix to sexual intercourse.

The son of the petitioner, who is the malefactor, is in jail.

Considering the fact that the petitioner is a lady and that in her absence the prosecutrix was subjected to rape, the petitioner above-named is directed to be released on bail, in the event of her arrest or surrender before the court below within a period of four weeks from the date of receipt / production of a copy of this order, on her furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-VI, Motihari in connection with Mehshi



P.S. Case No. 213 of 2018, subject to the conditions as laid
down under Section 438 (2) Cr.P.C.

(Ashutosh Kumar, J)

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