

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5157 of 2019

Arising Out of PS. Case No.-34 Year-2018 Thana- MAHILA PS District- Katihar

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1. Md. Saddam (Male, aged about 25 years) S/o Bechan Mansuri
 2. Gudiya Khatoon (Female aged about 18 years), d/o Mubarak Mansuri
 3. Ansari Khatoon (Female aged about 30 years) w/o Mubarak Mansuri
 4. Mubarak Mansuri (Male aged about 45 years) s/o Rabbul Mansuri
 5. Mahtab Mansuri (Male aged about 22 years) s/o Mubarak Mansuri
 6. Ashika Khatoon (Female aged about 15 years) d/o Bechan Mansuri
- All are resident of Bharisya Mansuri Tola, P.S-Falka, District-Katihar

... .. Petitioner/s

Versus

1. The State of Bihar
2. Regina Khatoon (Female aged about 12 years) d/o Suleman Mansuri Resident of village Bharsiya Mansuri Tola, P.S-Falka, District-Katihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Ranjan Kumar Dubey
For the Opposite Party/s :	Mr. Pramod Kumar Pandey
	Mr. Jitendra Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 30-01-2019 Heard both sides.

The petitioners apprehend their arrest in Mahila P.S.
Case No.34 of 2018 registered under Sections 376, 511, 354(B),
379 and 323 of the Indian Penal Code.

The informant earlier filed a Complaint Case No.913
of 2018 on 12.06.2018 disclosing that while she was in her
house along with her younger sister, Gudiya Khatoon came and
inquired to her mother. When Gudiya Khatoon came to know
about her mother that her mother had gone outside her house,
she called her cousin, Md. Saddam and Mahtab Mansuri,



accused Nos.1 and 5 and alleged that Md. Saddam made an abortive attempt to commit rape with her.

The learned counsel for the petitioners submits that occurrence is said to have taken place on 04.05.2018 but the complaint petition was filed on 12.06.2018. From bare perusal of the contents of the complaint petition, it would appear that the complainant concocted a story and filed the false case. Md. Saddam, petitioner No.1 is cousin of Gudiya Khatoon and no brother can commit rape with a girl in presence of his own sister. In fact, there is a land dispute between family of two sides. The informant is daughter of Suleman Mansuri. Mazida Khatoon, the mother of the informant filed Complaint Case No.823 of 2018 on 03.05.2018 alleging therein that on 29.04.2018, Mubarak Mansuri, Mahtab Mansuri and others came by the side of her house and started constructing thatched house and also constructed a pillar. Mubarak Mansuri also filed Complaint Case No.851 of 2018 against Suleman Mansuri, the father of the complainant. The police gave notice to both sides asking them to present the documents showing the ownership of land(Annexure-4 and 5), on such, this case has been lodged. It is further submitted that Md. Saddam is alleged to have made an attempt to commit rape with the victim but the victim did not



explain the delay in lodging the complaint case. The occurrence is said to have taken place on 04.05.2018 and the complaint case was lodged on 12.06.2018 only after lapse of more than one month on which the present F.I.R. was lodged.

On the other hand, learned counsel for the informant vehemently opposed the prayer for anticipatory bail and submitted that petitioner No.1 committed rape with 13 years old girl, therefore, the petitioners do not deserve anticipatory bail.

Perused the record. The complainant filed the complaint case. From perusal of the complaint case, it appears that Gudiya Khatoon called Md.Saddam and Mahtab Mansuri and Gudiya Khatoon asked them to commit rape on such, Md. Saddam , petitioner No.1 is said to have put the victim on the ground and made an abortive attempt to commit rape. Other accused persons are also alleged to have come and assaulted the younger sister of the informant. From the contents of the complaint petition itself, it appears that on account of some other dispute, such as land, this case has been filed as no explanation has been offered for such delay.

Considering the aforesaid facts, let the petitioners, above named, in the event of their arrest or surrender before the court below within a period of four weeks from the date of



receipt of the order, be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned S.D.J.M., Katihar in connection with Mahila P.S. Case No.34 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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