

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14654 of 2019

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

1. MUSTAKIM ANSARI @ MD. MUSTAKIM ANSARI Son of Mohiuddin Ansari @ Md. Mohiuddin Ansari, Resident of Village - Pathaldanga, P.S.- Dandkhora, Distt - Katihar.
2. Rasidan Khatoon Wife of Mohiuddin Ansari @ Md. Mohiuddin Ansari, Resident of Village - Pathaldanga, P.S.- Dandkhora, Distt - Katihar.
3. Mohiuddin Anasari @ Md. Mohiuddin Ansari Son of Usman Gani, Resident of Village - Pathaldanga, P.S.- Dandkhora, Distt - Katihar.
4. Kasmun Khatoon D/o Mohiuddin Ansari @ Md. Mohiuddin Ansari, Resident of Village - Pathaldanga, P.S.- Dandkhora, Distt - Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Indrajeet Kumar, Adv.
For the Opposite Party/s : Mr.Rabindra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

2 11-03-2019 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

In this case, the petitioners are seeking anticipatory bail in connection with Bhawanipur P.S. Case No. 38 of 2017 registered for offence punishable under sections 363, 366A/34 of the Indian Penal Code and section 4 of POCSO Act.

As per the FIR, allegation has been made that the petitioner and his family members have enticed and allured the daughter of informant Mustari Khatoon for her marriage with one Mustafa who is son of petitioner nos 2 and 3 and on the



assurance of the marriage offered by Mustafa, she went along with him and with one Nasima who is sister of Mustafa and thereafter they were starting living in a rented house. The allegation has been made that Mustafa established sexual relationship with the victim girl without her consent.

The learned counsel for the petitioners submits that the petitioners are mother-in-law, father-in-law, sister-in-law and brother-in-law of the victim and the submission made in 164 Cr.PC itself shows that the victim herself had gone to New Delhi.

Looking to the facts and circumstances of the case, the prayer for bail of the petitioners is allowed and they, in the event of arrest or surrender before the court below within six weeks from today, are directed to be enlarged on anticipatory bail on furnishing bail bonds of Rs. 10,000/- each with two sureties of the like amount each to the satisfaction of 1st Additional Sessions Judge-cum-Special Judge (POCSO), Act in connection with Bhawanipur P.S. Case No. 38 of 2017, subject to the conditions as laid down under section 438 Cr. PC and also subject to the condition that one of the bailors of the petitioners shall be a local person having sufficient immovable property within the jurisdiction of the concerned Court. The petitioners



will not induce any witness or tamper with the evidence. The petitioners shall cooperate in the disposal of trial and make themselves available as and when required by the court.

(Shivaji Pandey, J)

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