

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18116 of 2019

Arising Out of PS. Case No.-152 Year-2015 Thana- KUMAR KHAND District- Madhepura

1. ABDUL KHAN Son of Late Olli Khan Resident of Village - Kokraha, Baswari, P.S.- Chhatapur, District - Supaul
2. Tamanna Khan @ Md. Tamanna Son of Abdul Khan Resident of Village - Kokraha, Baswari, P.S.- Chhatapur, District - Supaul
3. Gyash Khan @ Md. Giyash Son of Abdul Khan Resident of Village - Kokraha, Baswari, P.S.- Chhatapur, District - Supaul
4. Guddu Alam @ Md. Guddu Son of Abdul Khan Resident of Village - Kokraha, Baswari, P.S.- Chhatapur, District - Supaul
5. Samina Khatoon @ Rajiya Khatoon Wife of Abdul Khan Resident of Village - Kokraha, Baswari, P.S.- Chhatapur, District - Supaul
6. Rijwan Khatoon @ Rijvana Praveen @ Rijwan Praveen Wife of Tamanna Khan Resident of Village - Kokraha, Baswari, P.S.- Chhatapur, District - Supaul

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Singh
For the Opposite Party/s : Mr.Binod Kumar

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

4 14-05-2019 This application, for grant of anticipatory bail, arises out of Kumarkhand P.S. Case No. 152 of 2015, disclosing offences under Sections 366(A), 376 and 34 of the Bihar Prohibition of Excise Act, 2016.

Prosecution case is that petitioners and other accused person came on motorcycle and on the point of pistol lifted the informant and took her to forbesaganj for selling her and when the informant protested she was brought to village Kokraha,



where, in the night co-accused Riyaz Khan committed rape on her

Submission of learned counsel for the petitioners is that as a matter of fact the informant performed marriage with the co-accused Reyaz Khan and as the co-accused Reyaz Khan met with an accident, the present case has falsely been lodged and the same find support from the paragraph 51, 52 and 53 of the case diary and further in this case final form has been submitted but cognizance has been taken against the petitioners and others.

Learned counsel for the State as well as learned counsel for the informant opposed the prayer for bail and submitted that informant, who is victim in this case, has supported the prosecution case in her statement recorded under Section 164 Cr.P.C.

Having heard both sides, so far petitioner nos. 5 and 6 are concerned, considering the fact that they are ladies, as such, let petitioner nos. 5 and 6, in the event of their arrest or surrender before the court below within six weeks, be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty five Thousand) each with two sureties of the like amount each to the satisfaction of learned SDJM, Madhepura, in connection



with Kumarkhand P.S. Case No. 152 of 2015, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

So far other petitioners i.e. petitioner nos. 1 to 4 are concerned, I am not inclined to grant them privilege of anticipatory bail, they if so desire, may move before the court below for grant of regular bail, which will be disposed of by the court below on the merit of the case, without being prejudiced by the order of this Court.

Accordingly, this application is disposed of.

(Vinod Kumar Sinha, J)

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