

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19462 of 2019

Arising Out of PS. Case No.-653 Year-2018 Thana- KISHANGANJ District- Kishanganj

1. BAJMERA Wife of Farid @ Md Farid Alam
2. Farid @ Md Farid Alam Son of Mojibur Rahman,

Both Resident of Village Kabtar Khoki P.S.- Chakulia District- Uttar Dinazpur (West Bengal).

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ram Prawesh Kumar
For the Opposite Party/s : Mr.Prem Kumar Jha

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 22-07-2019 The petitioners apprehend their arrest in connection with Kishanganj P.S.Case No. 653 of 2018 registered under Sections 120B, 201,313 and 376 of the Indian Penal Code.

Allegation against the petitioners is that as per FIR is that 6-7 months prior to 24.07.2018, co-accused Sarfaraz had committed rape upon the complainant/informant and took photographs and used to threatened her. It has further been alleged that on the allurements of marriage, co-accused Sarfaraz used to make regular sexual relationship with the informant and when she became pregnant, petitioners got miscarriage of her pregnancy and fled away.

Learned counsel for the petitioners submits that



petitioners are innocent and petitioner no. 1 is sister and petitioner no. 2 is brother-in-law of co-accused Sarfaraz. It has further been submitted that allegation of causing miscarriage to the informant is completely false and concocted inasmuch as no positive evidence has come in this regard that they were, at any point of time, responsible for termination of pregnancy of the informant and also no such medical evidence has been found during the course of investigation and the fact that informant was pregnant was also not established through the medical evidence. Learned counsel submits that no charge of rape has been levelled against the petitioners.

After having heard learned counsel for the parties and taking into consideration the fact that petitioners are sister and brother-in-law of main accused Sarfaraz and only allegation is of causing miscarriage to the informant, I am inclined to grant anticipatory bail to the petitioner. Let the petitioner, abovenamed, in the event of arrest or surrender before the court below within a period of four weeks from the date of receipt of a copy of this order, be released on bail upon furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of the learned CJM, Kishanganj in connection with Kishanganj P.S. Case No. 653 of 2018; subject to condition



as laid down under Section 438(2) of the Code of Criminal
Procedure.

(Anil Kumar Sinha, J)

sujit/-

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