

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.66540 of 2018

Arising Out of PS. Case No.-126 Year-2017 Thana- SAHARGHAT District- Madhubani

1. Sharifni Khatoon Wife of Md. Hadees, R/o Village-Bishanpur, P.S.- Saharghat, District Madhubani
2. Janeesa Khatoon, Wife of Late Md. Shamsuddin, R/o Village and P.-S Madhwapur, District Madhubani.

... .. Petitioners

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr. Md. Soban Asghar, Advocate
For the Opposite Party : APP

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

5 22-02-2019 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners apprehend their arrest for the offences alleged under Sections 363, 366(A) and 34 of the Indian Penal Code registered in connection with Saharghat P.S. Case No. 126 of 2017.

3. It is submitted that the petitioners have been falsely implicated as there is delay in instituting the first information report on 13.12.2017 for the alleged occurrence of 10.12.2017. It is further stated that even according to the deposition of the so-called victim girl, the thrust of accusation is against co-accused Md. Atabul and she has not named the petitioners except to the extent that the said co-accused Md. Atabul took her to his sister's house (petitioner no. 2). Such statement has been recorded after more than five months of institution of the FIR and is doubtful in nature considering that after she was picked up by Md. Atabul, she is said to have remained unconscious throughout and gained consciousness to find herself at the police station. Both the petitioners are ladies and claim clean antecedents.



4. Be that as it may, in the event of the petitioners' arrest or surrender before the court below within six weeks from the date of communication of this order, let the above named petitioners be released on bail on furnishing bail bonds of Rs.10,000/- (ten thousand) each with two sureties of like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Benipatti, District Madhubani in connection with Saharghat P.S. Case No. 126 of 2017, subject to the conditions as laid down under Section 438 (2) Cr.P.C. and with further conditions --

(i) That one of the bailors of each of the petitioners shall be their close relatives.

(ii) That the petitioners shall not indulge in any similar offence till conclusion of the trial.

(iii) That the petitioners will be well represented in court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, their bail bonds shall be liable to be cancelled by the learned Court concerned.

(iv) That the petitioners shall cooperate with the investigation, if not already concluded, and make themselves available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

BT/Chandran

(Vikash Jain, J)

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