

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48382 of 2019

Arising Out of PS. Case No.-915 Year-2018 Thana- SHASTRINAGAR District- Patna

1. Md. Faiz Alam Asharfi @ Uncle Faiz Asharfi @ Uncle Faida Asharfi, Son of Late Muzaffar Alam Asharfi Permanent residents of village-Agarpur, Machinipur, P.S-Lodipur, District-Bhagalpur, At present residing at B/63, Mohalla-P.C. Colony, Kankarbagh, P.S.-Kankarbagh, District-Patna.
2. Rula Masood @ Asha Arula @ Abha Arula @ Aayesha Arula Md. Faiz Alam Asharfi, wife of Md. Faiz Alam Asharfi, Permanent residents of village-Agarpur, Machinipur, P.S-Lodipur, District-Bhagalpur, At present residing at B/63, Mohalla-P.C. Colony, Kankarbagh, P.S.-Kankarbagh, District-Patna.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anjani Kumar Sinha
For the Opposite Party/s : Mr.Choubey Jawahar

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 05-08-2019 Heard learned counsel for the petitioners and learned counsel appearing on behalf of the State.

Petitioners apprehend their arrest in connection with Shastri Nagar P.S. Case No.915 of 2018 for the offence punishable under Section 370 of the Indian Penal Code, Section 75/79 of Juvenile Justice Care and Protection of Children Act and Section 3/4 of Child Labour Prohibition Act.

The allegation against the petitioners, as mentioned in the FIR is that when the informant opened her door, she saw a girl aged about 10 years was standing who told her name as Ruhi, daughter of Khurshid, and further disclosed that she used



to work in the petitioner's house where she was being ill-treated and both petitioners forcibly used to take work from her and assaulted her badly. It has further been alleged that petitioners used to take work from the minor girl for whole night.

Learned counsel for the petitioners submits that petitioners are innocent and have falsely been implicated by the informant who is neighbour of the petitioners. Learned counsel for the petitioners further submits that victim girl is the relative of the petitioners and she had come with the petitioners in order to get admission in private school at Patna. Learned counsel further submits that the statement of the victim girl has been recorded under Section 164 Cr.P.C. in which she has categorically stated that she was not being tortured or assaulted by the petitioners. Learned counsel further submits that from para 26 of the case dairy, it would be evident that father of the girl has not supported the prosecution story.

After having heard learned counsel for the petitioners as well as learned counsel appearing on behalf of the State and taking into consideration the fact that the victim girl has not disclosed any other incriminating material against the petitioners and further the father of the girl has not supported the prosecution story, as such, I am inclined to grant anticipatory



bail to both the petitioners.

Accordingly, both the petitioners, above named, are directed to surrender before the learned Court below within a period of four weeks from today and in the event of surrender by them, they shall be released on anticipatory bail by the Court below upon furnishing bail bond of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Sub Judge-IV-cum-A.C.J.M.-IV, Patna, subject to the condition as mentioned under Section 438 (2) of Cr.P.C.

(Anil Kumar Sinha, J)

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