

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68182 of 2019

Arising Out of PS. Case No.-478 Year-2018 Thana- MAJHAULIA District- West Champaran

1. SHABNAM KHATOON @ SABNAM KHATOON W/o Munna Ansari Resident of Village- Khutiya Indu, P.S.- Majhauria, District- West Champaran
2. Saheb Ansari S/o Wasir Ansari Resident of Village- Khutiya Indu, P.S.- Majhauria, District- West Champaran
3. Salbani Khatoon @ Salbana Khatoon W/o Wasir Ansari Resident of Village- Khutiya Indu, P.S.- Majhauria, District- West Champaran
4. Majbun Khatoon @ Salbun Khatoon @ Sajbun Khatoon W/o Kasir Ansari Resident of Village- Khutiya Indu, P.S.- Majhauria, District- West Champaran
5. Safeena Khatoon D/o Kasir Ansari Resident of Village- Khutiya Indu, P.S.- Majhauria, District- West Champaran
6. Haleema Khatoon W/o Jaymuddin Ansari Resident of Village- Khutiya Indu, P.S.- Majhauria, District- West Champaran
7. Kaimul Nesha W/o Late Khalil Ansari Resident of Village- Khutiya Indu, P.S.- Majhauria, District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bimlesh Kumar Pandey

For the Opposite Party/s : Mr.Md. Fahimuddin

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

2 18-11-2019 Heard learned counsel for the petitioners and the learned A.P.P. for the State.

The petitioners apprehend their arrest in connection with Majhauria P.S. Case No. 478 of 2018 registered under Sections 341, 323, 324, 376, 504 and 506/34 of the Indian Penal Code and Section 6 of the POCSO Act.



The accusation is that on 24.10.2018, at about 11 P.M., informant, Jayada Khatoon, was accompanied by Shabnam Khatoon (petitioner no.1) at her house, where Ekhlak Ansari developed physical relation forcibly with her on assurance to perform the marriage. When she asked Akhlak Ansari to perform the marriage then he started to remove from the house whereas at that time, Shabnam Khatoon (petitioner no.1) caused assault to her. In the meantime, her father reached there and took her at parental house and Panchayati was arranged, in which, Panchayat asked to perform the marriage but petitioner nos. 2 to 7 caused assault to her family members.

Learned counsel for the petitioners submits that, in fact, victim was in love affairs with Ekhlak Ansari, brother of petitioner no. 1 and thereafter, victim started to give pressure to the family members of Ekhlak Ansari to perform the marriage but on much persuasion, Ekhlak Ansari was not ready to perform the marriage with the victim due to that reason the present case has been lodged with false allegation. Moreover, after investigation, police submitted the final form against the petitioners but differing with the final form, the trial court took cognizance against the petitioners with co-accused, Ekhlak Ansari.



Having regard to the facts and circumstances of the case, let the above named petitioners be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the Learned Ist Additional Sessions Judge-cum-Special Judge, Bettiah, West Champaran, in connection with Majhaulia P.S. Case No. 478 of 2018, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

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