

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66860 of 2019

Arising Out of PS. Case No.-48 Year-2019 Thana- MAHILA P.S. District- Saharsa

1. Md. Ramjani S/o Salauddin R/o village- Khojuchak, Ward No. 2, P.S.- Simri Bakhtiyarpur, District- Saharsa
2. Jiya Uddin @ Jiyauddin S/o Salauddin R/o village- Khojuchak, Ward No. 2, P.S.- Simri Bakhtiyarpur, District- Saharsa
3. Nehal @ Md. Nihal @ Md. Nehal S/o Salauddin R/o village- Khojuchak, Ward No. 2, P.S.- Simri Bakhtiyarpur, District- Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pawan Kumar

For the Opposite Party/s : Mr.Ganesh Prasad Singh

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 20-11-2019 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioner is apprehending their arrest in a case registered for the offences punishable under Sections 448, 341, 323, 354 and 313/34 of the Indian Penal Code.

The prosecution case as per the written report of Hasmukh Khatoon submitted to the Station House Officer of Saharsa Mahila Police Station is to the effect that 08.04.2019 at 7.00 P.M. a scuffle took place among the children of the informant and petitioner no. 1 Md. Ramjani and when the informed tried to pacify it, six accused persons including the petitioners came and entered into the courtyard of the informant



and made assault to the informant, as a result, the pregnancy of the informant got terminated.

It is submitted by learned counsel for the petitioners that due to alleged assault made on 08.04.2019, the pregnancy of the informant got terminated on 18.04.2019 and the FIR got registered on the basis of written report of the informant on 10.06.2019. It is further submitted that there is no medical report on record to suggest the termination of pregnancy of the informant. A statement has been made in paragraph 3 of the petition that the petitioners are not having any criminal antecedent.

Learned APP submits that the accusation is specific against the petitioners.

Considering the delayed lodging of the case, the termination of pregnancy not being corroborated by any medical opinion and there being a gap of 10 days between the date of assault to the informant and the alleged termination of pregnancy, coupled with the statement made in paragraph 3 of the petition that the petitioners are not having any criminal antecedent, let the above named petitioners be released on anticipatory bail in the event of arrest or surrender before the learned Court below within a period of twelve weeks from



today, on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, Ist Class, Saharsa in connection with Saharsa Mahila P.S. Case No. 48 of 2019, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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