

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68520 of 2019

Arising Out of PS. Case No.-28 Year-2016 Thana- MAHILA P.S. District- Araria

1. HAZI WAKIL @ HAZI MD. WAKIL Son of Late Mohammad Jan @ Late Mohamjan, Resident of Village - Milki Dumaria, P.S.- Fulkaha (Narpatganj), Distt - Araria.
2. Md. Kammo @ Kamrul Jama Son of Md. Safique Ahmad @ Safique, Resident of Village - Milki Dumaria, P.S.- Fulkaha (Narpatganj), Distt - Araria.
3. Farookh @ Md. Farook Son of Hazi Wakil @ Hazi Md. Wakil, Resident of Village - Milki Dumaria, P.S.- Fulkaha (Narpatganj), Distt - Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md. Naushad Uzzoha
For the Opposite Party/s : Mr.Anil Kumar

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 14-11-2019 Heard both sides.

Petitioners apprehend their arrest in Araria (Mahila)
P.S. Case No.28 of 2016 registered under Sections 376 and 34 of
the Indian Penal Code.

The informant alleged that Md. Sahid finding her all
alone caught her and committed rape with her at the point of
knife. Thereafter Md. Shahid promised to marry with her and he
continued to have physical relation with her. She became
pregnant. Md. Sahid got her aborted but later on he refused to
marry with her. When the informant and others went to the
house of Md. Sahid, Md. Sahid and petitioners are said to have



abused and assaulted her father and took his thumb impression on a plain paper.

Learned counsel for the petitioners submits that the allegation of rape is against Md. Sahid, who has already been granted anticipatory bail by a coordinate Bench of this Court vide order dated 20.08.2016 passed in Cr.Misc.No.33051 of 2016. The case of the petitioners stands on different footing as the petitioners are only alleged to have abused and assaulted her father and took his thumb impression on a plain paper. No offence under section 376 of the I.P.C. is made out against the petitioners. The petitioners never promised to get the informant married with Md. Sahid.

Having considered the facts that the informant made allegation of rape on the allurement and promise of marriage and Md. Sahid, who committed rape with the informant on the promise of marriage, has already been granted anticipatory bail by a coordinate Bench of this Court and the fact that the petitioners are said to have abused and assaulted the father of the informant and took thumb impression, the above named petitioners, in the event of their arrest or surrender before the learned court below within a period of four weeks from the date of receipt/production of a copy of this order, are directed to be



enlarged on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Araria in connection with Araria (Mahila) P.S. Case No.28 of 2016, subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

Harish/-

U		T	
---	--	---	--

