

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2762 of 2020

Arising Out of PS. Case No.-43 Year-2019 Thana- MAHILA P.S. District- Kishanganj

1. SHARIF ALAM @ MD. SHARIF Son of Samsuddin @ Payasu Resident of Village - Nuniatari Khari, Basti Bhog Dawar, P.S. - Pathamari, District - Kishanganj.
2. Md. Jabir Alam @ Md. Javed Alam Son of Samsuddin Resident of Village - Nuniatari Khari, Basti Bhog Dawar, P.S. - Pathamari, District - Kishanganj.
3. Jahana Khatoon @ Jana @ Jahana Khatun Wife of Samsuddin @ Payasu Resident of Village - Nuniatari Khari, Basti Bhog Dawar, P.S. - Pathamari, District - Kishanganj.
4. Azad Son of Heer Ali Resident of Village - Kumhar Toli, P.S. - Thakurganj, District - Kishanganj.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Reshma Begam Daughter of Shersheru, represented through her father Shersheru, Son of late Jonajuddin Resident of Village - Nuniatari Khari, Basti Bhog Dawar, P.S. - Pathamari, District - Kishanganj.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Radha Mohan Singh, Advocate.
For the Opposite Party/s : Mr.Rina Sinha, APP.

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

3 22-06-2020 This matter has been taken up through Video Conferencing.

Heard the parties.

The petitioners are apprehending their arrest in a case registered for the offence punishable under Sections 376, 313 and 511/34 of the Indian Penal Code and Section 4 of the Protection of Children from Sexual Offences Act, 2012.

Co-accused Md. Sabir allegedly committed sexual



assault against the informant, a minor girl. When the informant was pregnant from Md. Sabir, a Panchayati was called for where Md. Sabir admitted his guilt and promised to marry with the informant, later on refused to marry. Petitioners are family members of Md. Sabir. Allegation is that they had refused solemnization of their marriage.

Considering the nature of allegation against the petitioners, let the petitioners, above named, in the event of their arrest or surrender before the Court below within a period of thirty days from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs. 20,000/- (rupees twenty thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending in connection with Kishanganj Mahila P.S. Case No. 43 of 2019, subject to the condition as laid down under Section 438 (2) of the Code of Criminal Procedure as well as subject to the following conditions:

(a) Both the bailors shall be the resident of territorial jurisdiction of the learned Court-below.

(b) The petitioners shall fully cooperate with the investigation/trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the petitioners.



(c) The petitioners shall not leave the country without
permission of the trial Court.

(Birendra Kumar, J)

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