

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9142 of 2020

Arising Out of PS. Case No.-136 Year-2019 Thana- MAHILA P.S. District- Araria

1. HASHIM @ MD. HASHIM Son of Late Mohiuddin @ Mohi Resident of Village - Bardenga Ward no- 13, P.S.- Mahalgaon, District - Araria
2. Taaksi @Tooksi @ Bibi Tuki @ Bibi Tooksi Wife of Hashim @ Md. Hasahim Resident of Village - Bardenga Ward no- 13, P.S.- Mahalgaon, District - Araria
3. Sanobar @ Sanower Wife of Ishmail Resident of Village - Bardenga Ward no- 13, P.S.- Mahalgaon, District - Araria
4. Meraj Son of Hashim @ Md. Hashim Resident of Village - Bardenga Ward no- 13, P.S.- Mahalgaon, District - Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manish Kumar

For the Opposite Party/s : Mr.Ramchandra Singh

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 02-07-2020 The present case was heard on 30.06.2020 at length and today it has been placed before this Court under the heading 'For Orders'.

The petitioners apprehend their arrest in connection with Araria (Mahila) P.S. Case No. 136 of 2019 for the offence registered under Sections 376, 506 and 34 of the Indian Penal Code.

The case of the prosecution in brief is that the main accused person namely Minhaj had allured the informant on the pretext of marrying her and had committed rape with her on 03.09.2019 at about 6:35 P.M. in the evening. It is further



alleged that thereafter the said co-accused person namely Minhaj refused to marry her and instead threatened to kill her if she lodged any case. The family members of the said co-accused person are accused of not getting the informant married with the said co-accused person namely Minhaj.

The learned counsel for the petitioners has submitted that the petitioners no. 1 & 2 are the father and mother of the co-accused person namely Minhaj while the petitioner no. 4 is his brother and petitioner no. 3 is a co-villager. It is submitted that the petitioners are innocent, they have been falsely implicated in the present case and are having clean antecedent. The learned counsel for the petitioners has referred to the statement of the victim girl made under Section 164 Cr.P.C. before the learned Magistrate to submit that the victim girl has stated that she was having physical relationship with the co-accused person namely Minhaj since one year and he used to always console her by saying that he would marry her soon. It has also been stated by the victim girl that the said Minhaj had raped her, however, no allegation has been levelled as against the petitioners herein.

Per contra, the learned A.P.P. for the State has



vehemently opposed the prayer for bail.

I have heard the learned counsel for the parties, considered the materials available on record and perused the contents of the case diary from which it is apparent that the main accused in the present case is Minhaj, who is alleged to have raped the victim girl and this fact also stands corroborated from the statement of the victim girl made under Section 164 Cr.P.C. before the learned Magistrate, however, there is no material to connect the petitioners herein with the alleged crime and in fact the victim girl has also not made any allegations, as against them in her statement made under Section 164 Cr.P.C. before the learned Magistrate, hence I deem it fit and proper to admit the petitioners to the privilege of anticipatory bail.

Accordingly, the petitioners, above named, are directed to be released on anticipatory bail in the event of their arrest/surrender before the court below within a period of four 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 learned C.J.M., Araria in connection with Araria (Mahila) P.S. Case No. 136 of 2019 subject to the



conditions as stipulated under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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