

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23692 of 2020

Arising Out of PS. Case No.-14 Year-2020 Thana- MAHILA P.S. District- Kishanganj

MUZAMMIL Son of Anwarul Haque @ Anvarul, Resident of Village - Pothia
Basti, P.S.- Pothia, Distt.- Kishanganj.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr. Vikramdeo Singh, Advocate Mr. Alok Kumar Alok, Advocate
For the Opposite Party/s	:	Ms. Pushpa Sinha, APP
For the Informant	:	Mr. Amrit Abhijat, Advocate

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 07-10-2020

. As of now the Courts have not resumed normal physical hearing, the matter has been listed today for consideration through Video Conferencing.

The learned counsels are appearing and making submissions from their residence. The Court Master and Secretary are also part of this virtual court proceedings from their homes, all with the aid of audio visual technology.

Heard learned Counsel for the petitioner and the learned Counsel for the State as also the learned Counsel appearing for the informant.

Petitioner apprehends arrest in Mahila PS Case No. 14 of 2020 registered under Sections 376 and 504/34 of the IPC.

The prosecution case is that the informant has been subjected to rape by the petitioner's brother. The allegation against the petitioner is that she has made efforts to hush up the issue by taking the victim inside the house and threatening her.

It is submitted by learned Counsel for the petitioner that the FIR does not disclose any serious allegation against the petitioner. The allegations are false and fabricated as after the occurrence panchayati has also taken place between the informant side and the accused side. The prosecution case has been lodged



under a circumstance where admittedly the victim was having the intention of accepting matrimonial relationship with brother of the petitioner but for the fact that he was already married and having three children.

Learned APP for the State and the learned Counsel for the informant have opposed the prayer for anticipatory bail. They have submitted that the petitioner has actively participating in covering up the rape committed by her own brother and intimidated the victim and therefore the petitioner should not be granted anticipatory bail.

Having considered the rival submissions this Court is inclined to grant the privilege of anticipatory bail to the petitioner.

Accordingly, let the petitioner above named, in the event of arrest or surrender before the court below within four weeks from today, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of SDJM Kishanganj in Mahila PS Case No. 14 of 2020 subject to all conditions as laid down in Section 438(2) of the Criminal Procedure Code as also the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

SNkumar/-

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

