

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33828 of 2020

Arising Out of PS. Case No.-42 Year-2020 Thana- SHYAMPUR BHATHA District- Sheohar

1. Jikrullah Ansari, aged about 35 years, Gender-Male, S/O Salakat Ansari, R/O Village-Jahangirpur Ansari Tola, P.S.-Shyampur Bhatha, Dist.- Sheohar.
2. Shahnaz Begum, aged about 55 years, Gender-Female, W/O Salakat Ansari, R/O Village-Jahangirpur Ansari Tola, P.S.-Shyampur Bhatha, Dist.- Sheohar.
3. Abdullah Ansari, aged about 40 years, Gender-Male, S/O Salakat Ansari, R/O Village- Jahangirpur Ansari Tola, P.S.-Shyampur Bhatha, Dist.- Sheohar.

... .. Petitioners

Versus

1. The State of Bihar.
2. Ruksana Khatoon, W/O Jakarul Ansari, D/O Md. Amarul Ansari, R/O Village- Jahangirpur Ansari Tola, P.S. - Shyampur Bhatha, Dist. - Sheohar.

... .. Opposite Parties

Appearance :

For the Petitioners	:	Mr.Hans Lal Kumar, Advocate.
For the State	:	Mr. Arun Kumar Singh No. 5, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 01-03-2021 Learned counsel for the petitioners is directed to remove the defects, as pointed out by the office, within a period of four weeks.

Heard learned counsel for the petitioners and learned A.P.P. for the State.

The petitioners are apprehending their arrest in a case for the offence registered under Sections 323, 341, 376, 379 and 504 of the I.P.C.

The prosecution story, in brief, is that co-accused Jakrul Ansari, on the pretext of marriage, established physical



relationship with the victim. On complaint, the family members of Jakrul Ansari assaulted and abused the parents of the victim. When the villagers came, they asked for some time and on 19.07.2019, the parents of the victim went to the house of accused persons and in this time, they again threat and abused them. Thereafter, an application was submitted before the Panchayat of Jahangirpur on 20.07.2020 but on notice, co-accused Jakrul Ansari did not appear before the concerned Panchayat then he forwarded the same to the police station but the police had not lodged the case.

It has been submitted by learned counsel for the petitioners that the petitioners have got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioners. The petitioners have falsely been implicated in the present case. Co-accused Jakrul Ansari is said to have established physical relationship with the victim on the pretext of marriage. It has further been submitted that on the pretext of marriage, consensual physical relationship was established between co-accused Jakrul Ansari and the victim. The petitioners have further relied upon the judgment delivered by Hon'ble Supreme Court in case of (Dr. Dhruvaram Murlidhar Sorav-Versus-The State of Maharashtra and Ors) reported in 2019



SCC OnLine SC 3100 and also in case of (Maheshwar Tigga Vs. The State of Jharkhand), reported in 2020 SCC OnLine SC 779. As far as the petitioners are concerned, they are brother, mother and brother of co-accused Jakrul Ansari respectively.

On behalf of the State, it is submitted that the petitioners are named in the F.I.R.

Considering the aforesaid facts and circumstances of the case, the petitioners above named, in the event of arrest or surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of the learned Acting Chief Judicial Magistrate-Ist, Sheohar, in connection with Shyampur Bhatha P.S. Case No. 42/2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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