

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4236 of 2021

Arising Out of PS. Case No.-20 Year-2020 Thana- MAHILA P.S BAGHA District- West
Champaran

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1. AMRULLAH ANSARI @ AMRULLAHI ANSARI @ AMRULAHI MIYA
Son of Mansarif Miyan Resident of Village - Badipatti Tiwari Tola, Ward
No.20, P.S.- Bagaha, Distt.- West Champaran.
 2. NAJARUL KHATOON @ MAJARULLAH KHATOON W/o Amallah
Ansari @ Umrullahi Ansari Resident of Village - Badipatti Tiwari Tola,
Ward No.20, P.S.- Bagaha, Distt.- West Champaran.
 3. ALAYASA KHATOON D/o Late Jaharuddin Ansari @ Late jaruddin Ansari
Resident of Village - Badipatti Tiwari Tola, Ward No.20, P.S.- Bagaha,
Distt.- West Champaran.
 4. KOILI KHATOON D/o Samsuddin Miyan Resident of Village - Badipatti
Tiwari Tola, Ward No.20, P.S.- Bagaha, Distt.- West Champaran.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Bimlesh Kumar Pandey
For the Opposite Party/s : Mr. C. Jawahar, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 02-03-2021 Heard learned counsel for the petitioners and learned
APP for the State through virtual mode.

Learned counsel for the petitioners is directed to
remove the defects, as pointed out by the Office, within a period
of four weeks.

The petitioners are apprehending their arrest in a case
registered under Sections 341, 323, 504, 376/34 of the Indian
Penal Code and 4 of POCSO Act.

Prosecution allegation, in short, is that the son of



petitioner no. 1 established physical relation with the victim on the assurance of marriage.

It has been submitted on behalf of the petitioners that the petitioners have got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioners. The petitioners have falsely been implicated in the present case. The allegation is that the son of petitioner no. 1 had established physical relationship with the victim on the pretext of marriage. It is further submitted that the said relationship between the son of the petitioner no. 1 and the victim was consensual. As far as petitioners are concerned, there is no allegation of sexual abuse or assault alleged against them. They have been made accused only for the reason that they happen to be relative of co-accused Suleman Ansari. Learned counsel for the petitioners has placed reliance of a case of the Hon'ble Supreme Court since reported in **2019 SCC Online SC-3100 (Dr. Dhruvaram Murlidhar Sonar versus The State of Maharastra & Ors.**

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

Considering the aforesaid facts and circumstances, let the petitioners, above named, in the event of arrest/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/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge -VII-cum- Special Judge, POCSO, Bettiah, West Champaran in connection with Bagaha (Mahila) P.S. Case No. 20/2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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