

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9848 of 2021

Arising Out of PS. Case No.-161 Year-2020 Thana- SHYAMPUR BHATHA District-
Sheohar

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1. KHAITUN KHATUN @ KHAITUN KHATOON, Wife of Late SAMSHUL ANSARI, Resident of Village - Phoolkahan, P.O. - Dumri Katsari, P.S. - Shyampur Bhataha, District - Sheohar
 2. Farukh Ansari @ Md. Farooque Ansari, Son of Late Shamshul Ansari, Resident of Village - Phoolkahan, P.O. - Dumri Katsari, P.S. - Shyampur Bhataha, District - Sheohar
 3. Elias Ansari @ Iliyas Ansari, Son of Suleman Ansari, Resident of Village - Phoolkahan, P.O. - Dumri Katsari, P.S. - Shyampur Bhataha, District - Sheohar

... Petitioners

Versus

The State of Bihar

... Opposite Party

Appearance :

For the Petitioners : Mr. Pushpendra Kumar Singh, Adv.
For the Opposite Party : Mr. Md. Aslam Ansari, APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 20-12-2021 Heard Mr. Pushpendra Kumar Singh, learned Advocate for the petitioners and Mr. Md. Aslam Ansari, learned Additional Public Prosecutor for the State.

The petitioners seek bail in anticipation of their arrest in connection with Shyampur Bhataha P.S. Case No. 161 of 2020 dated 08.09.2020 instituted for the offences under Sections 363 366A 376 and 120B of the Indian Penal Code and 4 of the Protection of Children from Sexual Offences Act, 2012.

The father of the victim girl has alleged that she was kidnapped for the purposes of being raped. He has further stated in the FIR that the petitioner no. 1, the mother of co-accused Eklaque Ansari is responsible for the abduction of his



daughter.

Learned counsel for the petitioners has submitted that an absolutely false case has been lodged by the informant. The victim in her 164 statement has only talked about the co-accused Eklaque Ansari and nothing about the other accused persons. The petitioner no. 1 is the mother of the aforesaid Eklaque Ansari.

The police after investigation submitted charge sheet only against Ekhlake Ansari whereas all other accused persons were not sent-up for trial.

Differing with the police report however the learned Court below has taken cognizance against the petitioners also for offences under Sections 363, 366A and 376 of the Indian Penal Code and Sections 4 and 12 of the Protection of Children from Sexual Offences Act, 2012.

Learned counsel for the petitioners has submitted that one of the similarly situated accused person has been granted regular bail by a Bench of this Court. He has further submitted that nothing specific has been alleged against the petitioners and from the 164 statement of the victim girl, Eklaque Ansari, who is the son of petitioner no. 1, appears to have had some relation with the daughter of the informant. Petitioners no. 2 and 3 are



also related to Eklaque Ansari.

Notwithstanding the afore-noted facts, I am not inclined to grant anticipatory bail to the petitioners.

The prayer for anticipatory bail is rejected.

Should the petitioners surrender before the Court below and seek bail, their application shall be considered on its own merit taking into account that one of the similarly accused person has been granted bail and shall pass order in accordance with law without being prejudiced with the fact that the present petition on their behalf has not been entertained.

(Ashutosh Kumar, J)

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