

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14596 of 2021

Arising Out of PS. Case No.-23 Year-2020 Thana- MAHILA PS District- Khagaria

1. MD SHAKIL @ MD SHAKIL SADA Son of Late Md. Muslim Resident of Village - Sahsi Tola Panpiwi, P.S.- Alauli, Distt.- Khagaria, At Present resident of Village - Katahri, P.S.- Dandari, Dist.- Begusarai.
2. Saida Khatoon W/o Md. Shakil @ Md. shakil Sada Resident of Village - Sahsi Tola Panpiwi, P.S.- Alauli, Distt.- Khagaria, At Present resident of Village - Katahri, P.S.- Dandari, Dist.- Begusarai.
3. Md. Samil Son of Late Md. Muslim Resident of Village - Sahsi Tola Panpiwi, P.S.- Alauli, Distt.- Khagaria,
4. Md. Shaklain @ Shaklain Son of Late Md. Barik Resident of Village - Sahsi Tola Panpiwi, P.S.- Alauli, Distt.- Khagaria,

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abul Kalam, Advocate

For the Opposite Party/s : Mr. Jitendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 04-01-2022 Heard Mr. Abul Kalam, learned Advocate for the petitioners and Mr. Jitendra Kumar Singh, learned APP for the State.

The petitioners seek bail in anticipation of their arrest in connection with Khagaria Mahila P.S. Case No. 23 of 2020 dated 15.09.2020 instituted for the offences under Sections 448, 341, 323, 493, 420, 504, 506 and 34 of the Indian Penal Code.

One Faiyaz is said to have developed relationship with the prosecutrix; whereafter, he established sexual relations with her. The relationship



was based on a promise of marrying the victim over a period of time. The prosecutrix came to learn that aforesaid Faiyaz is making preparations of marrying another lady. When she came to protest against the aforesaid act of Faiyaz, the petitioners who are related to Faiyaz are said to have assaulted and abused the victim.

Learned counsel for the petitioners has submitted that petitioners no. 1 and 4 are uncles of aforesaid Faiyaz, whereas petitioner no. 2 is his aunt. The petitioner no. 3 is his father.

The learned counsel for the petitioners has submitted that from the 164 Cr.P.C. statement of the victim girl, it would appear that she has grievance against none except Faiyaz, who has not married her despite having promised to do so.

Mr. Kalam has further submitted that Faiyaz is a 28 years old young man, who is independent so far as his existence is concerned and the petitioners cannot be held responsible for anyone of his immoral or unethical acts. The petitioners appear to have been made accused in this case only because of their relationship with Faiyaz and perhaps because of the fact that by implicating them in this case, some kind of pressure would be exerted on Faiyaz.



For the reasons aforesated, the petitioners are directed to be released on bail, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, on their furnishing bail bonds in the sum of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate 1st Class, Khagaria in connection with Khagaria Mahila P.S. Case No. 23 of 2020, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Ashutosh Kumar, J)

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