

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4798 of 2022

Arising Out of PS. Case No.-112 Year-2021 Thana- KASBA District- Purnia

MUNNI @ ISHRAT W/o Masiujjama Resident of Village - Kusaha, P.s.-
Kasba, Distt.- Purnea.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Md Fazle Karim

For the Opposite Party/s : Mr.Raj Kishore Singh

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

2 22-08-2022 Learned counsel for the petitioner is directed to remove
all the defects pointed out by the Stamp Reporter within one month.

Heard learned counsel for the petitioner as well as Sri
J.N. Thakur learned APP for the State.

The petitioner apprehends her arrest in connection with
Kasba P.S. Case No. 112 of 2021, registered for the offences
punishable under Sections 313, 376 and 34 of the Indian Penal Code
and Section 4/6 of the POCSO Act.

The informant of this case is father of a minor girl
(victim) aged about 11 years. As per allegation, co-accused, Iqbal
who is (*nana*) maternal grandfather of the victim committed rape
upon the victim several times after threatening her to kill. The victim
became pregnant. The petitioner is the mother of the victim. There is
allegation that Md. Iqbal, Ali Hasan, Afzal, Afsar, Masro, Dirangej,



Noori and the present petitioner caused the pregnancy of the victim terminated. Due to termination of pregnancy her condition became pathetic. She was brought to Sadar Hospital, Purnea where she narrated the entire occurrence to her father (the informant). Thereafter, the case was lodged.

Learned counsel for the petitioner has submitted that the accused against whom there is allegation of rape is under custody. The present petitioner is mother of the victim and there is only allegation against her is that along with other co-accused persons she brought the victim for termination of her pregnancy. He has submitted further that the petitioner and the victim are residing with the informant. The learned counsel has also submitted that there was some land dispute between the parties and it was the reason for false implication. He has submitted further that the informant and victim have furnished affidavit when they realized their mistake and this fact has been mentioned in paragraph-13 of the bail petition.

On the other hand, the learned APP, Sri. J.N. Thakur, has submitted that the allegation is heinous in nature. Md. Iqbal being the maternal grandfather of the victim committed rape upon her and the present petitioner being daughter of the Iqbal, along with other co-accused persons brought the victim to the doctor and caused her pregnancy terminated due to which her condition became precarious. In her statement under Section 164 of the Cr.P.C, the victim has stated that when she narrated the occurrence to the petitioner she



threatened her to kill had she dared to transmit the information to her father, the informant.

There is allegation against the petitioner that she has facilitated the termination of pregnancy of the victim. When the victim narrated the occurrence to the petitioner she threatened her to kill and attempted to throw the curtain over this type of heinous offence. In my view, the petitioner does not deserve the privilege of anticipatory bail. Accordingly, it is rejected.

If she surrenders before the learned court below and makes a prayer for regular bail, the learned court below shall consider the same without being prejudiced by this order.

Office shall ensure that all defects are removed by the petitioner within the stipulated time provided in para-1 hereinabove, failing which the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey, J)

SONALI/niku-

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

