

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23050 of 2021

Arising Out of PS. Case No.-477 Year-2020 Thana- SUPAUL District- Supaul

1. MD. IRSHAD S/o- Md. Junaid @ Jumman Resident of Village - Chainsinghpatti, P.S. and District - Supaul.
2. Md. Farman S/O- Md. Junaid @ Jumman Resident of Village - Chainsinghpatti, P.S. and District - Supaul.
3. Md. Rabban S/O- Md. Junaid @ Jumman Resident of Village - Chainsinghpatti, P.S. and District - Supaul.
4. Md. Irfan S/O Md. Junaid @ Jumman Resident of Village - Chainsinghpatti, P.S. and District - Supaul.
5. Md. Junaid @ Jumman S/O- Late Md. Sikandra Resident of Village - Chainsinghpatti, P.S. and District - Supaul.
6. Md. Mustak S/O- Md. Sikandra Resident of Village - Chainsinghpatti, P.S. and District - Supaul.
7. Md. Kurban S/O- Md. Sikandra Resident of Village - Chainsinghpatti, P.S. and District - Supaul.
8. Md. Saddam S/O- Md. Mustak Resident of Village - Chainsinghpatti, P.S. and District - Supaul.
9. Md. Asique S/O- Md. Kurban Resident of Village - Chainsinghpatti, P.S. and District - Supaul.
10. Nabira Khatoon @ Nabisha @ Navila W/O- Md. Junaid @ Jumman Resident of Village - Chainsinghpatti, P.S. and District - Supaul.
11. Nigaih Bano @ Nige Bano W/o- Md. Kurban Resident of Village - Chainsinghpatti, P.S. and District - Supaul.
12. Sabana Khatoon W/o- Md. Mustak Resident of Village - Chainsinghpatti, P.S. and District - Supaul.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nafisuzzoha, Advocate
For the Opposite Party/s : Mr. Permeshwar Mehta, APP

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 06-01-2022 Heard learned counsel for the petitioners and
learned APP for the State.



Learned counsel for the petitioners is expected to honour his undertaking given in the instant case for depositing the requisite court fee and to remove the defect(s) as pointed out by the office when called upon to do so by the office.

The petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 341, 323, 307, 376 and 504/34 of the Indian Penal Code.

It is a case of committing rape and assaulting the victim, namely, Gulnaz Begum by the petitioner no.1. From perusal of the statement of the victim girl recorded under Section 164 of the Cr.P.C. by the Judicial Magistrate, it appears that he had attempted to commit rape. The victim girl has supported the prosecution case in one part and in the subsequent part of her statement, she stated that she has solemnized marriage with the petitioner no.1 Md. Irshad and they are living together as husband and wife.

It is submitted by learned counsel for the petitioners that the petitioners have falsely been implicated in the case and the case has been compromised between the parties and the victim in her statement recorded under Section 164 of the Cr.P.C. has supported the fact that she has solemnized the marriage with petitioner no.1 and as far as other petitioners are



concerned, they are family members of petitioner no.1 as such, there is general and omnibus allegation against other petitioners.

Learned APP appearing for the State has opposed the prayer for anticipatory bail.

In the facts and circumstances of the case, let the petitioners, above named, in the event of their arrest or surrender before the court below within a period of four weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Supaul in connection with Supaul P.S. Case No. 477 of 2020, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Sunil Kumar Panwar, J)

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