

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47005 of 2021

Arising Out of PS. Case No.-116 Year-2021 Thana- MADHUBAN District- East Champaran

1. Sahabuddin Ansari @ Sajabuddin Ansari S/O Haviv Ansari @ Habib Ahsari @ Habir Ansari R/O Village-Lahi, P.S-Madhuban, District-East Champaran.
2. Miku Ansari @ Sainuddin Ansari S/O Sahabuddin Ansari @ Sajabuddin Ansari R/O Village-Lahi, P.S-Madhuban, District-East Champaran.
3. Munni Khatoon W/O Sahabuddin Ansari @ Sajabuddin Ansari R/O Village-Lahi, P.S-Madhuban, District-East Champaran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anuj Kumar, Advocate.
For the Opposite Party/s : Mr. Abhay Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 06-04-2022 Heard learned counsel for the petitioners and
learned APP for the State.

Learned counsel for the petitioners is directed to remove the defect(s), as pointed out by the office, within a period of four weeks.

The petitioners are apprehending their arrest in Madhuban P.S. Case No. 116 of 2021 registered under Section 376, 493, 406, 504, 323/34 of the Indian Penal Code.

Allegedly on the pretext of marriage, the son of the petitioner No. 1 established physical relationship with the victim.



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 been falsely implicated in the present case. As per allegation, son of the petitioner No. 1 namely Shahzad Ansari is alleged to have established physical relationship with the victim on the pretext of marriage. The said relationship was a consensual one. The petitioner Nos. 1, 2 & 3 are father, brother and mother of the co-accused Shahzad Ansari respectively. There is no allegation of commission of rape against these petitioners. Counsel for the petitioners has further placed reliance on cases of the Hon'ble Supreme Court since reported in 2019 SCC Online SC-3100 (*Dr. Dhruvaram Murlidhar Sonar versus The State of Maharashtra & Ors.*) and (2019) 9 SCC 608 (*Pramod Suryabhan Pawar vs. The State of Maharashtra and Ors.*)

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

Considering the aforesaid facts and circumstances of the case, the petitioners, above named, in the event of arrest or surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on



furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount to the satisfaction of learned Chief Judicial Magistrate, Motihari, East Champaran in connection with Madhuban P.S. Case No. 116 of 2021 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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