

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.51430 of 2021**

Arising Out of PS. Case No.-6 Year-2021 Thana- RAMGARHWA District- East Champaran

1. Alihaq Khan @ Ali Haque Khan S/O- Late Shahid Khan Resident Of Village- Binwaliya, Post- Mauje, Ward No. 13, P.S.- Ramgarwa, District- East Champaran, Bihar- 845433.
2. Johra Khatoon W/O Alihaq Khan Resident Of Village- Binwaliya, Post- Mauje, Ward No. 13, P.S.- Ramgarwa, District- East Champaran, Bihar- 845433.
3. Imteyaz Khan S/O Alihaq Khan Resident Of Village- Binwaliya, Post- Mauje, Ward No. 13, P.S.- Ramgarwa, District- East Champaran, Bihar- 845433.
4. Shabnam Khatoon W/O Imteyaz Khan Resident Of Village- Binwaliya, Post- Mauje, Ward No. 13, P.S.- Ramgarwa, District- East Champaran, Bihar- 845433.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Md. Jubair Ansari

For the Opposite Party/s : Mr.Nand Kishore Prasad

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN**  
**ORAL ORDER**

2      06-05-2022                      Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State through the virtual court proceeding.

Learned counsel for the petitioners undertakes to remove the defects within three weeks. In the eventuality of non-removal of defects within undertaken period, the office will place the matter before the Bench.

The petitioners are apprehending their arrest in a case registered for the offence punishable under Section 376 of the Indian Penal Code and Section 8 of POCSO Act.



It is submitted by learned counsel for the petitioners that petitioners are innocent and have been falsely implicated in this case. He submits that there is specific allegation against co-accused Afroj Khan. He submits that the daughter of the informant got married with the accused Afroj Khan who is on provisional bail granted by this Court vide order dated 22.02.2022. He submits that Section 376 IPC and Section 8 of the POCSO Act are not attracted as in the FIR it is mentioned that the accused Afroj Khan established sexual intercourse with the victim on the pretext of marriage. He further submits that petitioners have no criminal antecedent as stated in para-3 of this application.

Learned APP for the State opposed the prayer for bail.

Considering the facts that the victim got married with the co-accused Afroj Khant and they are living as husband and wife, let the above named petitioners in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is



pending/successor court in connection with Ramgarhwa P.S.  
Case No. 06 of 2021, subject to the condition as laid down  
under Section 438 (2) of the Cr.P.C.

**(Anjani Kumar Sharan, J)**

devendra/-

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