

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59643 of 2021

Arising Out of PS. Case No.-362 Year-2021 Thana- TURKAULIYA District- East
Champaran

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1. SALIM ANSARI @ SALIM MIYA Son of Kamloda Ansari @ Kamrul Hoda Miya Resident of Village - Siswaniyan, P.S. - Banjaria, District - East Champaran.
 2. Mehrun Nisha @ Mehrun Nesha Wife of Salim Ansari @ Salim Miya Resident of Village - Siswaniyan, P.S. - Banjaria, District - East Champaran.
 3. Raushan Jahan Daughter of Salim Ansari @ Salim Miya Resident of Village - Siswaniyan, P.S. - Banjaria, District - East Champaran.
 4. Javed Ansari @ Javed Son of Kamloda Ansari @ Kamrul Hoda Miya Resident of Village - Siswaniyan, P.S. - Banjaria, District - East Champaran.
 5. Asma Khatoon Wife of Javed Ansari @ Javed Resident of Village - Siswaniyan, P.S. - Banjaria, District - East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Madhurendra Kumar, Advocate
For the Opposite Party/s : Mr.Shantanu Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 04-04-2022 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.

Learned Counsel for the petitioners seeks permission to
withdraw the present application on behalf of petitioner No.1, as
the petitioner No.1 has been taken into judicial custody.

Permission is accorded.



The application filed on behalf of petitioner No.1 is dismissed as withdrawn.

The petitioner Nos.2 to 5 are apprehending their arrest in a case registered under Sections 376, 504, 506, 34 of the Indian Penal Code.

Allegation is that co-accused Fakhre Alam committed rape upon the informant on the pretext of marriage and the petitioner Nos.2 to 5 are family members of co-accused.

It has been submitted on behalf of the petitioner Nos.2 to 5 that the petitioner Nos.2 to 5 have got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner Nos.2 to 5. The petitioner Nos.2 to 5 have falsely been implicated in the present case. On the assurance of marriage, co-accused Fakhre Alam established physical relationship with the victim. Subsequently for one reason or the other, the marriage could not be solemnized. Learned counsel for the petitioner Nos.2 to 5 submits that the said relationship was a consensual relationship between the parties. He has 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 Nos.2 to 5 are named in the complaint case/F.I.R.

Considering the facts and circumstances of the case, the petitioner Nos.2 to 5, 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 bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, East Champaran, Motihari in connection with Turkauliya (Banjaria) P.S. case No.362 of 2021, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

Narendra/-

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