

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61515 of 2021

Arising Out of PS. Case No.-223 Year-2021 Thana- SUPAUL District- Supaul

BIBI GULSHAN KHATOON @ BIBI GULSH KHATOON D/o Md. Ibrahim
R/o Village - Pathra, Ward no. 4, P.S. and District - Supaul.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nafisuzzoha

For the Opposite Party/s : Mr. A.G.

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 21-04-2022 Heard counsel for the petitioner, APP for the State
and learned counsel for the informant.

The petitioner is in judicial custody since 29.06.2021
in connection with Supaul P.S. Case No. 223/2021 under
Sections 341, 323, 366(A), 376(D) of the Indian Penal Code &
Section 4/12 of POCSO Act.

The prosecution story, as it unfolds, state the
informant daughter aged about 13 years, while returning from
the market was kidnapped by the accused persons Md. Ali and it
is further alleged that they have abducted her for the purposes of
marriage. It further alleges that this despite the fact that Md. Ali
is already married and the victim girl was only 13 years old and
had no concern with the said accused person.

It is submitted by the learned counsel for the



petitioner that the victim girl has now been recovered and she had named amongst other Md. Ali to be one of the abductor who also repeatedly raped her. He further submits that the said Md. Ali is already in jail and has preferred Cr. Misc. No. 7708/2022, which is presently pending before the Patna High Court.

So far as this petitioner is concerned, learned counsel for the petitioner submits that she is a married lady, the only fault of her is that she is sister of accused Md. Ali; had no role to play in the abduction or rape of the victim girl and lastly he submits that she is rotting in jail alongwith her three infant children aged less than five years.

Learned counsel for the State although opposes the grant of bail to the petitioner concedes that the petitioner is the sister of the accused Md. Ali who is already in jail with her three infant children since 29.06.2021.

Taking into account the aforesaid fact as also that chargesheet has been submitted and the main accused Md. Ali and others are in jail; this Court is inclined to grant privilege of bail to the petitioner.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- with two sureties of the like amount is to the satisfaction of learned C.J.M., Supaul in connection with



Supaul P.S. Case No. 223/2021, subject to the following condition;

(i) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reasons will entail his cancellation of bail by the Trial Court itself;

(ii) he shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of his bail bonds;

Accordingly, the bail application is allowed with the aforesaid observation.

(Rajiv Roy, J)

Ranjeet/-

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