

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65143 of 2021

Arising Out of PS. Case No.-162 Year-2019 Thana- SIDHWALIYA District- Gopalganj

1. Samsuliya Khatoon @ Samsul Begam W/O Faudar Miyan @ Faujdar Miya R/O Village- Sher, P.S.- Sidhwalia, District- Gopalganj
2. Rinki Khatoon @ Sahani Khatoon D/O Faudar Miyan @ Faujdar Miya R/O Village- Sher, P.S.- Sidhwalia, District- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Javed Aslam, Advocate

For the Opposite Party/s : Mr. Prem Kumar Jha, 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.

The petitioners are apprehending their arrest in Sidhwalia P.S. Case No. 162 of 2019 registered under Sections 341, 323, 504, 506, 354(A)(B), 376 of the Indian Penal Code and Section-7/8 of POCSO Act.

Allegedly, the co-accused committed rape upon the daughter of the informant.

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 FIR, the co-accused namely Nazeer is alleged to have committed rape upon the victim. The petitioners are the mother and the sister of said co-accused Nazeer and for the said reason, the petitioners have been made accused in the present case. Both the petitioners are ladies. No offence u/S 376 of the Indian Penal Code is made out against the petitioners. For oblique reasons, the petitioners have been made accused in the present case.

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 Additional Sessions Judge-Ist-cum-Special Judge, Gopalganj, in connection with Sidhwalia P.S. Case No. 162 of 2019 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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