

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1886 of 2022

Arising Out of P.S. Case No.-95 Year-2020 Thana- MAHILA P.S. District- Patna

1. MD FAIYAZ @ MD FAIYAZ AHMAD Son of Md. Ali @ Md. Ali Ahmad Resident of Village - Ishapur, near Pani Tanki, P.S.- Phulwarisharif, Distt.- Patna, Bihar.
2. Isha Khatoon W/o Md. Khurshid Resident of Village - Ishapur, near Pani Tanki, P.S.- Phulwarisharif, Distt.- Patna, Bihar.
3. Ruhi Khatoon W/o Md. Khurshid Resident of Village - Ishapur, near Pani Tanki, P.S.- Phulwarisharif, Distt.- Patna, Bihar.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjeet Tiwary

For the Opposite Party/s : Mr.Nirmala Kumari

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 13-06-2022 Heard learned counsel for the petitioners and learned
APP for the State.

The instant application for anticipatory bail has been filed by the petitioners apprehending their arrest in connection with Mahila P.S. Case no. 95 of 2020 instituted for the offence punishable under Sections 376, 420, 313 and 34 of the Indian Penal Code and Section 6 of POCSO Act.

As per allegation in the FIR, on the pretext of marriage, co-accused Naushad Ali had made physical relationship with the informant resulting into her pregnancy. With the help of FIR name accused persons, her pregnancy was



got terminated and later on Naushad Ali refused to marry her without fulfillment of dowry demand of Rs. 10,00,000/-. It is further stated that ultimately their marriage was performed.

Learned counsel appearing on behalf of the petitioners has submitted that petitioners are innocent and have committed no offence. In support of marriage of the informant with the main accused Naushad Ali, a marriage certificate is annexed to this petition as Annexure-3. Petitioners are not named in the FIR. All the six FIR named accused have already been granted anticipatory bail by a co-ordinate Bench of this Court vide order dated 24.11.2021 passed in Cr. Misc. No. 15630 of 2021. The case of the petitioner stands on better footing to that of the co-accused persons.

Learned APP appearing for the State has opposed the prayer of Bail.

Having heard learned counsel for the parties and in the facts and circumstances of the case as stated above, this Court is inclined to enlarge the petitioners on bail. The petitioners are directed to surrender in the Court below within a period of four weeks from today and in the event of their arrest or surrender in connection with Mahila P.S. Case no. 95 of 2020, they will be enlarged on bail on furnishing bail bond of



Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-VI-cum-Special Judge (P) Judge, Patna subject to the conditions as laid down under section 438(2) of the Cr.P.C.

(Sunil Kumar Panwar, J)

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