

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.13927 of 2023

Arising Out of PS. Case No.-54 Year-2022 Thana- MAHILA P.S. District- Purnia

1. FARHANA W/O SAHDAB ALAM R/- Bhameth, P.S.- Bhawanipur, District- Purnia
2. MOSRAT @MUSRAT @ MUSRAT JAHAN W/O MD TOHID R/- Bhameth, P.S.- Bhawanipur, District- Purnia
3. MD. YUNUS @ YUNUS @ YUNUS SAH S/O JALIRUDDIN SAH R/- Bhameth, P.S.- Bhawanipur, District- Purnia
4. SONU @ MD. SARFARAZ S/O MOKIM R/- Bhameth, P.S.- Bhawanipur, District- Purnia

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ram Prawesh Kumar, Advocate

For the Opposite Party/s : Mr.Yogendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH

ORAL ORDER

2 23-05-2023 Heard the learned counsel for the petitioners and the learned A.P.P. for the State.

The petitioners apprehend their arrest in connection with Mahila P.S. Case No. 54 of 2022 registered for the offences punishable under Sections 323, 379, 376, 504 and 34 of the Indian Penal Code.

The allegation is regarding the co-accused person, namely, Afaak Alam having raped the complainant-informant while she had gone to attending to call of nature along with her two year old daughter on 15.05.2021 and had also clicked her photographs by his mobile phone, whereafter he had threatened her to come on the next day with her in-laws' cash and jewellery, failing which



he would make her photographs viral, whereupon, the complainant-informant had, on the next day gone to the said co-accused person namely Afaak Alam with cash and jewellery, and then he had taken the complainant-informant along with her daughter to Lucknow where the complainant-informant was raped continuously and on 24.06.2021, he had snatched the cash and jewellery brought by her and had taken her to Gerabari market and left her there. It is further alleged that thereafter, the informant had somehow managed to reach her parents house. It is also alleged that when the father of the informant had gone to the house of Afaak Alam on 25.06.2021 and has told his parents that Afaak Alam has committed rape with her daughter, the accused persons including the petitioner herein had assaulted and abused the father of the informant and snatched his mobile phone as also cash amount from him.

The learned counsel for the petitioners has submitted that the petitioners are innocent, they



have been falsely implicated in the present case and they are having a clean antecedent. The learned counsel for the petitioners has further submitted that if at all any one is having any complicity in the matter, it is the co-accused person, namely, Afaak Alam, however, as far as the petitioners are concerned, a general and omnibus allegation has been levelled, however, there is no injury report on record to corroborate the allegation of assault by the petitioners.

Per contra, the learned A.P.P. for the State has vehemently opposed the prayer for grant of anticipatory bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record as also considering the fact that as far as the petitioners are concerned, they are not alleged to have either kidnapped the complainant-informant or raped her and on the contrary, it has been merely alleged that when the



father of the informant had gone to the house of the accused persons including the petitioners herein, the petitioners had engaged in assaulting and abusing the father of the informant, however, there is no injury report on record to corroborate the same, hence I deem it fit and proper to admit the petitioners herein to the privilege of anticipatory bail.

Accordingly, the petitioners, above named, are directed to be released on anticipatory bail in the event of their arrest/surrender before the court below within a period of six weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Purnea in connection with Mahila P.S. Case No. 54 of 2022 subject to the conditions as stipulated under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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