

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38303 of 2021

Arising Out of PS. Case No.-35 Year-2021 Thana- BASANTPUR District- Siwan

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1. Shahnaz Khatoon Wife Of Nizamuddin Alam Resident Of Village Kahla (Hazari Tola), P.S. Barauli, District - Gopalganj.
 2. Afreena Khatoon @ Afrin Khatoon D/O Nizamuddin Alam Resident Of Village Kahla (Hazari Tola), P.S. Barauli, District - Gopalganj.
 3. M. Amanullah @ Mister Ali @ Mister Alam Son Of Nizamuddin Alam Resident Of Village Kahla (Hazari Tola), P.S. Barauli, District - Gopalganj.
 4. Imteyaz Alam Son Of Nizamuddin Alam Resident Of Village Kahla (Hazari Tola), P.S. Barauli, District - Gopalganj.
 5. Sulekha Khatoon Wife Of Abad Miya Resident Of Village Kahla (Hazari Tola), P.S. Barauli, District - Gopalganj.

... .. Petitioner/s

Versus

The state of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhishek Kumar
For the Opposite Party/s : Mr.Rina Sinha

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 23-01-2023 Heard learned counsel for the parties.

Learned counsel for the petitioners undertakes to remove the defects, if any, within three weeks.

The petitioners are apprehending their arrest in a case registered for the offence punishable under Sections 363, 366, 379, 34 of the Indian Penal Code.

Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. He submits that there is specific allegation against the co-accused Md. Aftab Alam. He submits that there is general and omnibus allegation levelled against the petitioners. He submits that the victim in her statement recorded under Section



164 of the Cr.P.C. has not supported the prosecution case. He submits that the age of the victim has been found to be 20 years as assessed by the Medical Board. He submits that occurrence took place on 16.01.2021 but the FIR has been lodged on 23.01.2021 after delay of 7 days without explaining any reasonable cause of delay. He further submits that petitioners have no criminal antecedent as stated in para-3 of this application.

Learned APP for the State opposes the prayer for bail.

Considering the facts and circumstances of the case, let the above named petitioners in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Basantpur P.S. Case No. 35 of 2021, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

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(Anjani Kumar Sharan, J)

