

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33160 of 2023

Arising Out of PS. Case No.-197 Year-2022 Thana- JALALGARH District- Purnia

1. MD. HANIF @ MD. HANDEEP Son of Tajuddin Resident of village - Pora Ramdeli, P.S.- Jalalgarh, District - Purnea.
2. Md. Majuddin Son of Tajuddin Resident of village - Pora Ramdeli, P.S.- Jalalgarh, District - Purnea.
3. Bibi Sajni Wife of Tajuddin Resident of village - Pora Ramdeli, P.S.- Jalalgarh, District - Purnea.
4. Md. Atrul @ Md. Atzul @ Md. Athar Ali Son of Tajuddin Resident of village - Pora Ramdeli, P.S.- Jalalgarh, District - Purnea.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajit Kumar Singh
For the Opposite Party/s	:	Mr. Ashok Kumar Singh
		Mr. Bijendra Kumar Singh

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 21-08-2023 Heard learned counsel for the petitioners, learned counsel for the informant as well as learned APP for the State.

2. The petitioners apprehend their arrest in a case registered for the offence punishable under Sections 376, 313 and other allied Sections of the Indian Penal Code.

3. Allegedly, the co-accused namely, Md. Majuk raped the informant on pretext of false promise of marriage. The allegation against the petitioner is that they forcibly gave abortion pill to the informant.

4. It is submitted by learned counsel for the petitioners



that petitioners are quite innocent and have committed no offence. They have been falsely implicated in this case. No such occurrence, in the manner as alleged, has ever taken place. The allegation levelled against the petitioners is not specific rather general and omnibus in nature. There is no specific overt act against the petitioners. The specific allegation is against the co-accused Md. Majuk to commit rape with the informant. It is submitted that though the victim has supported the case of prosecution in her statement recorded under Section 164 of the Code of Criminal Procedure but the medical board has not revealed any sign of external injury on the victim. He further submits that the victim is 28 weeks pregnant and as a matter of five weeks pregnancy cannot be aborted by taking medicine but in order to make the prosecution case grave, the victim has made such statement. Petitioners have no criminal antecedent.

5. Learned APP for the State as well as learned counsel for the informant opposed the prayer for anticipatory bail.

6. Having regard to the facts and circumstances of the case as the medical report has not supported the prosecution case, let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, 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 Jalalgarh P.S. Case No.197 of 2022, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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