

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49687 of 2022

Arising Out of PS. Case No.-18 Year-2022 Thana- MAHILA P.S. District- Madhubani

1. Md. Izharul Haque @ Laddu Son of Late Chhotan
2. Bano @ Husn Bano Wife of Md. Izharul Haque @ Laddu
3. Md. Istekhar Son of Md. Izharul Haque @ Laddu

All resident of Village - Tulsipatti, P.S.- Rajnagar, District - Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ravi Prakash, Advocate

For the Opposite Party/s : Mr. Bharat Bhushan, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 06-01-2023 Heard learned counsel for the petitioners and the learned APP for the State through virtual mode in view of COVID-19.

The petitioners apprehend their arrest in connection with Madhubani Mahila Town P.S. Case No.18 of 2022 instituted under Sections 376,420,323,341,34 of the IPC.

As per the prosecution story, allegation is that Md. Imran @ Ibran on the pretext of marriage committed rape upon the informant and the act continued till she became pregnant and when the same was disclosed to the said Md. Imran, he started excusing himself from marrying and when this was informed to his parents, it is alleged that they abused and also assaulted.

Learned counsel for the petitioners submit that the



allegation is against Md. Imran @ Ibran of having committed continuous rape on the pretext of marriage with the lady and after pregnancy he refused to marry. So far as these petitioners are concerned who are father (petitioner no.1), mother (petitioner no.2) and brother (petitioner no.3) of the said Md. Imran, they had absolutely no role to play but only to put pressure on them they have been implicated in this case.

Learned APP on the other hand opposes the prayer for anticipatory bail but concedes that allegation of rape is against Md. Imran.

Taking into account the aforesaid facts that none of the petitioners are having criminal antecedent, the allegation of rape is against Md. Imran @ Ibran, the only thing that has come in the FIR that upon information to the family members, they abused /assaulted, this court is inclined to grant them relief.

Let the petitioners be released on bail, in the event of their arrest or surrender before the Sub-ordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) each with two sureties of the like amount each in connection with Madhubani Mahila Town P.S. Case No.18 of 2022 to the satisfaction of learned S.D.J.M., Madhubani, subject to the conditions as laid



down under Section 438(2) of the Cr.P.C.

(Rajiv Roy, J)

Prakash Narayan /-

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