

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2837 of 2023

Arising Out of PS. Case No.-599 Year-2022 Thana- SIKARPUR District- West Champaran

1. Shahnaj Begam @ Sahnaja Khatoon @ Sahnaj Khatoon, W/O Sk Jauvad, R/V- Pokhariya, P.S.- Shikarpur, District- West Champaran
2. Hashina Khatoon, W/O Rauf Alam, R/V- Pokhariya, P.S.- Shikarpur, District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Aditya Nath Jha, Advocate

For the Opposite Party/s : Mr. Shyameshwar Dayal, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 09-05-2023 Heard learned counsels for the petitioners and the State.

Petitioners apprehend arrest in a case registered for the offences punishable under Sections 376, 313, 201 of the Indian Penal Code and Section 4/12 of the Protection of Children from Sexual Offences Act.

As per allegation in the F.I.R., co-accused namely, Md. Sheikh Alam subjected the victim to repeated sexual intercourse, resulting in her pregnancy. It is further alleged that these petitioners, being family members of co-accused Md. Sheikh Alam, assured the victim of marriage and administered medicine to terminate her pregnancy and later on denied marriage. Petitioner No. 1 is mother and petitioner No. 2 is aunt of co-accused Md. Sheikh Alam.

Learned counsel appearing for the petitioners submits



that petitioners are innocent and have falsely been implicated in this case. He next submits that specific accusation of commission of rape is against co-accused Md. Sheikh Alam, who has already been granted bail by co-ordinate Bench of this Hon'ble High Court *vide* order dated 17.04.2023 passed in Cr. Misc. No. 65602 of 2022. It is further submitted that there is delay of about three months in lodging the F.I.R. without any explanation for the same. Petitioners are ladies and have got clean antecedent.

Considering the aforesaid facts and circumstances, let the above named petitioners in the event of their arrest/surrender before the court below within a period of six weeks from today, be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of Additional District Judge-VII cum Special Judge (POCSO), West Champaran, Bettiah in connection with Shikarpur P. S. Case No. 599 of 2022, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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