

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20961 of 2024

Arising Out of PS. Case No.-77 Year-2023 Thana- MAHILA PS District- Darbhanga

1. Md. Nizamuddin Son of Md. Ashraf Resident of Village- Belhi, P.S.- Sadar, District- Darbhanga
2. Md. Ashraf Son of Late Muslim Resident of Village- Belhi, P.S.- Sadar, District- Darbhanga
3. Asama Khatoon @ Bhasaulwali Wife of Md. Nizamuddin Resident of Village- Belhi, P.S.- Sadar, District- Darbhanga

... .. Petitioner/s

Versus

1. The State of Bihar
2. Roushani Khatoon Daughter of Md. Maksood Alam Resident of Village- Belhi, P.S.- Sadar, Dist.- Darbhanga

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vinay Kumar Mishra, Advocate
For the Opposite Party/s : Mr.Umanath Mishra, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 04-04-2024 Heard learned counsel for the petitioners and learned
APP for the State.

2. In the present case, the petitioners are apprehending their arrest in connection with Mahila P.S. Case No. 77 of 2023, registered on 24.08.2023 for the offences under Sections 376, 354(C), 323, 504, 506/34 of the Indian Penal Code and Sections 4/6 of the Protection of Children from Sexual Offences Act.

3. As per prosecution case, co-accused Md. Mehraj raped the minor informant threatening her with life and thereafter, took her nude photographs and started blackmailing



her and repeatedly raped her. The co-accused also gave inducement of marriage to the victim. The petitioners are the family members of the co-accused and allegation against them is that when the mother of the informant approached the petitioners for marriage of the informant with the co-accused, they slapped her and threw her out from their house.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case with general and omnibus allegation. Petitioner no. 1 is the father, petitioner no. 2 is the brother and petitioner no. 3 is the Bhabhi of co-accused Md. Mehraj and there is no allegation of committing rape or helping the co-accused in raping of informant. Even the allegation of assaulting the mother of the informant is not correct.

5. Learned APP opposes the submission made on behalf of the petitioners.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that only allegation against the petitioners is that of threatening and driving out of the mother of the informant, let the petitioners above named, in the event of their arrest or surrender before the court concerned within a period of eight



weeks from today, be released on bail, on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Special Judge (POCSO), Darbhanga/concerned court in connection with Mahila P.S. Case No. 77 of 2023, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions :

- (i) One of the bailors will be a close relative of the petitioners.
- (ii) The petitioners will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

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