

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15737 of 2024

Arising Out of PS. Case No.-244 Year-2023 Thana- BHARGAMA District- Araria

Halima Khatoon Wife of Md. Amjad Ansari Resident of vill.- Manulahpatti,
PS- Bhargama, District- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Kumar Ravish, Advocate
		Ms. Siddhi AashaNa, Advocate
For the Opposite Party/s	:	Mr. Tarun Prasad Mandal , APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 14-03-2024 Heard learned counsel for the petitioner and the
State.

2. Petitioner apprehends arrest in a case registered for the offence punishable under sections 341 , 342, 323 , 363 , 366, 504, 120 B, 506 and 34 of the Indian Penal Code .

3. As per the prosecution case, 10 to 15 unknown persons, in collusion and connivance with the petitioner, got married the daughter of the petitioner, Jamal, forcibly. The accused persons also committed assault with the son of the informant before marriage. It is further alleged that the informant met with an accident while going to Araria, for which the informant gave information to petitioner MD. Jamal, and when his family asked the petitioner Jamal to send his son



Sahansah to his house, petitioner Jamal and his family members, as well as *Halima Khatoon*, abused and declined the presence of the informant *Sahansah* in her house and also threatened them. The informant started tracing his son but could not be traced out and, as such, the son of the informant was disappeared by the petitioner and other co-accused persons.

4. It is submitted on behalf of the petitioner that the petitioner has been falsely implicated in this case due to previous enmity and a pending land dispute between the parties. The petitioner is neither a family member of the informant nor has any concern for the family affairs of the informant. As a matter of fact, the daughter of Md Jamal, namely, *Salam Khatun*, aged about 19 years has also lodged a case u/s 341, 323, 447, 448, 354 A, 376, 504, 506, and 34 of the Indian Penal Code in Bhargama PS Case No 245 of 2023 against the informant side and his other family members, including his son *Mohammad Shanshah*, wherein the daughter of Md. Jamal has alleged that *Mohammad Shanshah*, on the pretext of marriage, committed rape with her due to which she got pregnant and they also got her aborted. Also, the victim appears to have fled away to avoid marrying with the said *Salam Khatun*. It is further submitted that the present case has lodged due to pending land



dispute for which Title Suit No. 357 of 2017 is pending between the parties. Moreover, petitioner is neither connected to the co-accused Md. Jamal’s side nor has anything to do with the story set up by daughter of Md. Jamal. Petitioner is lady.

5. Learned counsel for the State opposes the bail petition of the petitioner.

6. Considering the aforesaid facts and circumstances of the case, in the event of arrest or surrender within six weeks from today, let the petitioner, as named above, be enlarged on bail on furnishing bail bond of Rs.10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate , Araria in connection with Bhargama P.S. case No. 244 of 2023 , subject to the conditions laid down under section 438(2) of the Code of Criminal Procedure .

(Prabhat Kumar Singh, J)

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