

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20400 of 2024

Arising Out of PS. Case No.-64 Year-2023 Thana- MAHILA PS District- Darbhanga

1. MD. JAMAL, age about 52 years, Male, SON OF MD. ABDUL
 2. ZULEKHA KHATOON, age about 50 years, Female, WIFE OF MD. JAMAL
 3. MD. MAHBOOB ALAM, age about 28 years, Male, SON OF MD. JAMAL
All are R/O Village-MADHOPATTI, P.S.-A.P.M., DISTT.-DARBHANGA
- Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar Jha, Advocate
For the Opposite Party/s : Mr.Uma Shankar Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 04-04-2024 Heard Mr. Sanjeev Kumar Jha, learned counsel

appearing on behalf of the petitioners and Mr. Uma Shankar
Prasad Singh, learned APP for the State.

2. The petitioners seek pre-arrest bail in connection
with Mahila P.S. Case No. 64 of 2023 registered for the
offence(s) punishable under Sections 376/323/504/506/34 of the
Indian Penal Code and Sections 4/6 of POCSO Act.

3. As per the allegation made in the FIR, Md. Ayub,
son of petitioner no.1 and 2, established physical relationship
with the informant on the pretext of marriage and when she
became pregnant, he refused to marry with her. Further
allegation is that the petitioners and other co-accused also
abused and assaulted her to keep her mouth shut.



4. Learned counsel appearing on behalf of the petitioners submitted that petitioner no.1, 2 and 3 are father, mother and brother of co-accused Md. Ayub, who had committed rape upon the informant. The petitioners being close family members have been falsely implicated in the present case. Petitioners have clean antecedents.

5. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail.

6. Considering the fact that petitioners no.1 and 2, named-above, are father and mother of the main accused Md. Ayub, they are directed to be released on pre-arrest bail, in the event of their arrest or surrender before the Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Spl. Judge (POCSO), Darbhanga, Bihar in connection with Mahila P.S. Case No. 64 of 2023, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

7. So far as petitioner no.3, is concerned, who is the elder brother of the Md. Ayub, and allegation against him is that he had disrobed the victim, the petitioner no.3, if so advised, may surrender before the District Court and seek regular bail. In



that case, the District Court is directed to consider the bail application of the petitioner no.3 on the same day and pass necessary order, considering the fact that there is delay in lodging of FIR and specific allegation of committing rape is against his brother Md. Ayub, on the basis of material which has come in course of investigation.

8. The present petition stands disposed of.

(Purnendu Singh, J)

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