

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25650 of 2024

Arising Out of PS. Case No.-170 Year-2023 Thana- JALALGARH District- Purnia

1. Abulesh @ Md. Abulesh son of Md. Ayash @ Ayas @ Ayyaj @ Md. Ayyaj @ Md. Ayshuddin a
 2. Gayasuddin son of Iltaf @ Altaf
 3. Farida @ Farida Perween wife of Abulesh @ Md. Abulesh
 4. Sabra Khatoon @ Sawera Khatoon @ SAbra wife of Md. Ayash @ Ayas @ Ayyaj @ Md. Ayyaj @ Md. Ayshuddin
- All resident of Village- Jamira Po- Tarauna Ps- jalalgarh Dist- Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md. Ziaul Quamar, Advocate
For the Opposite Party/s : Mr.Zainul Abedin, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 01-05-2024 Heard learned counsel appearing on behalf of the
petitioners and learned APP for the State.

2. Petitioners seek pre-arrest bail in connection with
Jabalgarh P.S.Case No.170 of 2023 registered for the offences
punishable under Sections 379 and 504/34 of the Indian Penal
Code .

3. As per the allegation made in the FIR, co-accused
Dilshad outraged the modesty of the informant and when she
had complained about the illegal act to his mother (petitioner
no.3), she assured to get them married. Co-accused, Dilshad
again made physical relation with the informant and when she



became pregnant, the petitioners forced for abortion of her 32 weeks old pregnancy and after becoming unsuccessful, co-accused Dilshad had fled away from his house with the help of the accused persons.

4. Learned counsel appearing on behalf of the petitioners submitted that the main accused, against whom the allegation of rape has been alleged, is Dilshad, who is brother of petitioner no.1, son of petitioner no.4 and petitioner no.2 is the uncle & petitioner no.3 is the sister-in-law of the main accused, Dilshad. The petitioners, being close relative of main accused, have been dragged in the present FIR. Petitioners have clean antecedent.

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

6. Having considered the rival submissions made on behalf of the parties, as well as, the petitioners being close relative of main accused have been made accused in the present FIR, the petitioners are directed to be released on pre-arrest bail, in the event of their arrest or surrender before the learned court below within a period of four weeks from today, on furnishing bail bond of Rs.10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of



learned CJM, Purnia/concerned court in connection with Jalalgarh P.S.Case No.170 of 2023, subject to conditions as laid down under Section 438(2) of the Cr.P.C.

7. The court below is directed to verify the criminal antecedent of the petitioners and if it is found that the petitioners are involved in some other cases as what has been stated in paragraph No.3 of the bail application, this order will automatically lose its force.

(Purnendu Singh, J)

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