

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35115 of 2024

Arising Out of PS. Case No.-13 Year-2024 Thana- BAJPATTI District- Sitamarhi

Sahani Khatoon @ Shahana Khatoon @ Sano Khatoon Wife of Jahangir
Resident of Village - Bishanpur Ratwara, Police Station - Bajpatti, District -
Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Pankaj Kumar Das, Advocate.
For the Opposite Party/s	:	Mr.Syed Mojibur Rahman, APP.
For the Informant	:	Mr. Vijay Anand, Advocate.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

4 25-10-2024 Heard Mr. Pankaj Kumar Das, learned counsel
appearing on behalf of the petitioner; Mr. Syed Mojibur
Rahman, learned APP for the State and Mr. Vijay Anand,
learned counsel for the informant.

2. The petitioner seeks pre-arrest bail in connection
with Bajpatti P.S. Case No. 13 of 2024 registered for the offence
punishable under Section 376/34 of the Indian Penal Code.

3. As per the allegation made in the F.I.R., the victim
who is the informant has alleged that the petitioner is her
neighbour and she had visited her house on 16.12.2023. She was
given sweets containing intoxicant material and she became
unconscious and after two days she found herself locked in a
room at Jaipur where the son of the petitioner allegedly



established physical relationship with her for 20 days and on 02.01.2024 when she found the room to be not locked, she raised alarm and returned home. On 10.01.2024, she lodged the F.I.R. in respect of the said incidence. The allegation against the petitioner is that she has facilitated her son in committing wrong with the informant.

4. Learned counsel appearing on behalf of the petitioner submitted that the the petitioner is the mother of co-accused Md. Istekhar @ Iftekhar @ Ikhetar and she has no concern with the affairs of committing wrong with the victim. The victim on her own had accompanied the son of the petitioner to Delhi being in love relationship with him and solemnized marriage.

5. Mr. Vijay Anand, learned counsel tendered his appearance on behalf of the informant (victim) and opposed the prayer for bail of the petitioner on the ground that the son of the petitioner has committed wrong in a planned manner and the petitioner has facilitated him in doing so. As such, the petitioner don't deserve to be released on bail.

6. Learned APP for the State has supported the argument advanced on behalf of the informant.

7. Having considered the rival submissions made on



behalf of the parties, as well as, the fact that the petitioner is the mother of co-accused Md. Istekhar @ Iftekhar @ Ikhetar, who has no concern with the affairs of allegedly committing wrong with the victim, *prima facie*, it appears that the petitioner has made out a case to be released on bail.

8. The petitioner, above named, is directed to be released on pre-arrest bail, in the event of her arrest or surrender before the Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned ADJ-VI, POCSO, Sitamarhi in connection with Bajpatti P.S. Case No. 13 of 2024, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

9. The bail application stands disposed of.

(Purnendu Singh, J)

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