

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48754 of 2024

Arising Out of PS. Case No.-26 Year-2024 Thana- ABADPUR District- Katihar

1. Azad @ Md. Azad Son of Late Boko @ Md. Afiluddin R/O Vill.- Bhawanipur, P.S.- Abadpur, Dist.- Katihar
2. Santara Khatoon @ Sajima Khatoon Wife of Azad @ Md. Azad R/O Vill.- Bhawanipur, P.S.- Abadpur, Dist.- Katihar
3. Sefulla @ Md. Sifullah Son of Alam @ Md. Alam R/O Vill.- Bhawanipur, P.S.- Abadpur, Dist.- Katihar
4. Aakhataari @ Akhtari Khatoon Wife of Najir @ Md. Najir R/O Vill.- Bhawanipur, P.S.- Abadpur, Dist.- Katihar
5. Budho @ Nijam Begam @ Nijma Begam Wife of Rahim @ Rahimuddin R/O Vill.- Bhawanipur, P.S.- Abadpur, Dist.- Katihar

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajendra Prasad Sah, Adv.
For the Opposite Party/s : Mr.Dilip Kumar No. 1, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 18-09-2024 Heard learned Counsel for the petitioners and
learned APP for the State.

2. The petitioners are apprehending arrest in a case registered for the offences punishable in connection with Abadpur P.S. Case No.26 of 2024 under Sections 341, 323, 376, 354B and 34 of the Indian Penal Code.

3. As per the prosecution, the FIR has been lodged against seven named accused persons including the petitioners against whom there is allegation that one accused, namely,



Shahjad has developed physical relation with the informant and when the informant started requesting him to marry with her then he denied and meanwhile other accused persons have assaulted the informant, thereafter this case has been lodged.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have committed no offence. He submits that only with a view to make undue pressure, the present case has been filed in which total 7 named persons including the petitioners were made accused.

5. Learned Counsel further submits that the specific allegation has been made against Shahjad who had earlier filed anticipatory bail application, but it was rejected, thereafter he surrendered himself before the trial court. He further submits that though he has no document at present from which it transpires that accused Shahjad has surrendered himself, but he firmly submits that his statement may be recorded in the order sheet that Shahjad has surrendered himself.

6. Learned Counsel also submits that petitioners' antecedent are clean.

7. Learned APP for the State opposes the prayer for bail and submits that the allegation has also been made against other petitioners also.



8. In the present facts and circumstances, let the above named petitioners be released on anticipatory bail, in the event of arrest or surrender before the Court below within a period of 6 weeks from today, **after verifying that whether accused Shahjad has surrendered himself before the court below**, on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) each with two sureties of the like amount each to the satisfaction of Addl. Chief Judicial Magistrate-VI, Katihar in connection with Abadpur P.S. Case No.26 of 2024, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

9. However, It is directed to the court below that if it has been found that accused, namely, Shahjad has not surrendered himself before the court below, then in that case, grant of anticipatory bail of the petitioners shall not be operative.

10. With the aforesaid direction, the present anticipatory bail application stands disposed off.

(Dr. Anshuman, J.)

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