

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60675 of 2024

Arising Out of PS. Case No.-66 Year-2024 Thana- HABIBPUR District- Bhagalpur

Reshma D/O Late Md. Shahbaj @ Shahnawaj R/o Mohalla- Daudchak, P.S-
Habibpur, District- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md.Najmul Hodda, Adv.
For the Opposite Party/s : Mr.Rajendra Nath Jha, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 11-09-2024 Heard the parties.

2. The petitioner is apprehending her arrest in connection with Habibpur P.S. Case No. 66 of 2024 for the offence under sections 341, 323, 376, 109/34 of the I.P.C. and 3/4 of the D.P. Act, lodged on 09.04.2024 by the informant, Chanda.

3. As per the prosecution story, the informant alleged that on the pretext of marriage, Md. Muzammil established physical relationship and further assured that he will be marrying her. Later, when she became pregnant and wanted to inform she was not only abused but also beaten by the family members including this petitioner which followed the FIR.

4. Learned counsel for the petitioner submits that due to confusion this FIR has been lodged, the fact remains that the families have accepted the lady and they are soon going to tie



the nuptial knots. Further, no abortion took place and the child has arrived in this world. The last submission is that this petitioner is the sister of the main accused and only to drag all the family members, she was implicated.

5. Learned APP opposes the prayer submitting that when the girl wanted to complain to the family members, she was abused and assaulted.

6. Though there is allegation of assault, the fact remains that the main allegation is against Md. Muzamil, who according to learned counsel for the petitioner, is in custody, this petitioner is a lady having no criminal antecedent, putting her in jail will serve no purpose, this Court is inclined to extend her the privilege of anticipatory bail.

7. Let the petitioner, named above, be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhagalpur in connection with aforesaid PS Case, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as well as subject to the following conditions:-

(i) one of the bailors should be the family



member/relative of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(iv) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

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