

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79442 of 2023

Arising Out of PS. Case No.-155 Year-2022 Thana- BENIPATTI District- Madhubani

Sarbari Khatun @ Sarvri Khatoon, Wife of Md. Isarar, R/o Village-Makiya,
P.S.- Benipatti, Dist.- Madhubani Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Saurav Anand, Advocate

For the Opposite Party/s : Mr. Ramchandra Sahni, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 05-03-2024 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The accused/petitioner is named in the FIR and apprehending her arrest in connection with Banipatti P.S. Case No.155 of 2022 registered under Sections 341, 323, 354-B, 420 and 506 read with 34 of the Indian Penal Code and Section 8 of the Protection of Children from Sexual Offences Act (for short 'POCSO Act').

3. Allegation against the petitioner is to abuse and assault the parents of informant/victim, where the occurrence of sexual assault has committed by one of the co-accused, namely, Md. Fahad @ Shahad, who is son of the petitioner.

4. It is submitted by learned counsel that petitioner has been implicated falsely only being mother of main co-accused, namely, Md. Fahad @ Shahad. It is submitted that implication of



petitioner appears only when the son of petitioner refused to marry the informant/victim. It is submitted that allegation of assault and abusing is of ornamental in nature as to connect the petitioner being mother with the main offence *qua* sexual assault as alleged to be committed by her son. While concluding argument, it is submitted that petitioner is a lady of clean antecedent.

5. Learned APP opposes the prayer of bail.

6. In view of aforesaid factual submission, as implication of petitioner *prima facie* appears being mother of main co-accused, namely, Md. Fahad against whom the allegation of sexual assault is available, accordingly, the petitioner, above-named, is directed to be released on bail, in the event of her arrest or surrender in the court below within a period of four weeks, on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-VII-cum-Special Judge (POCSO Court), Madhubani in connection with Banipatti P.S. Case No.155 of 2022, subject to the conditions as laid down under Section 438(2) of the CrPC.

(Chandra Shekhar Jha, J.)

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