

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84892 of 2023

Arising Out of PS. Case No.-33 Year-2023 Thana- MAHILA P.S. District- Araria

1. Bibi Rabesan @ Bibi Gulshan Ara W/O Rajanul @ Chunna, D/O Late Fakhruddin Village- Bangama, Ward No. 7,Ps. And Dist. Araria
2. Bibi Gulshan D/O Late Fakhruddin At Present R/O Village- Haldia, Ward No. 13, Ps. Haldia, Dist. Araria.Village- Bangama, Ward No. 7,Ps. And Dist. Araria
3. Rajanur @ Chunna S/O Noori Village- Chikni Mariya @ Ghoiya Ps. And Dist. Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Munish Om Prakash Singh, Advocate
For the Opposite Party/s : Mr. Akbar Ali, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 18-01-2024 Heard Mr. Munish Om Prakash Singh, learned counsel for the petitioners and Mr. Akbar Ali, learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Mahila P.S. Case No. 33 of 2023, F.I.R. dated 28.08.2023 for the offences punishable under Sections 341, 323, 376, 313, 504, 506 and 34 of the Indian Penal Code and Section 4 of the D.P. Act.

3. According to prosecution case, the petitioner is said to have forcefully established physical relationship with the informant on the pretext of marriage.



4. Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case. He further submits that from bare perusal of the FIR it is clear that there is no specific allegation of any assault or of demand of dowry is attributed against the petitioners. He submits that till the lodging of the FIR the marriage was not performed with the co-accused person so no case under the D.P. Act is made out against the petitioners. He further submits that petitioner nos.1 & 2 are married sisters of the co-accused Md. Akhlaque and petitioner no.3 is the brother-in-law of the Md. Akhlaque and they have no concern at all with the present occurrence. He submits that the petitioners have been made accused in this case only because they are family members of the co-accused Md. Akhlaque.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail.

6. Considering the aforesaid facts and circumstances, let the petitioners, above named, in the event of arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the



learned A.C.J.M.-I, Araria in connection with Mahila P.S. Case No. 33 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

i. Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bonds of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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