

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79148 of 2024

Arising Out of PS. Case No.-247 Year-2023 Thana- HARLAKHI District- Madhubani

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Irfana Khatoon Wife of Azizul Ansari Resident of Village - Chakani (Benni),
P.S. - Sursand, District - Sitamarhi

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rukhsana Khatoon Daughter of Safi Ahamad Resident of Village - Kasera
Ward No. 10, P.S. - Harlakh, District - Madhubani

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Gagandeo Yadav
		Mr. Ravi Prakash
For the Opposite Party/s :		Mr. Binod Kumar

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CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

4 19-04-2025 Heard learned counsel for the petitioner, learned

Additional Public Prosecutor for the State and learned counsel

for the opposite party no. 2.

2. The petitioner is apprehending her arrest in a case

registered for the offence punishable under Sections 376, 312,

120(B) of the Indian Penal Code and Section 3/4 of the POCSO

Act.

3. The prosecution is based upon the complaint, which

was sent for institution of FIR under Section 156(3) Cr.P.C.,

filed by the opposite party no. 2 on 14.07.2023 wherein the

thrust of the allegation has been made by one Md. Wajiullah

who committed rape upon her on a false pretext of marriage on

10.07.2022. It is further alleged that said Wajiullah had taken



the complainant along with him to the house of his cousin sister Irfana Khatoon (petitioner) residing at Sitamarhi where her pregnancy was terminated.

4. Learned counsel for the petitioner submits that the allegations levelled in the complaint are totally incorrect and for an occurrence which took place on 10.07.2022, the complaint came to be lodged on 14.07.2023 i.e. after lapse of more than one year of the alleged occurrence. It has been further submitted that a perusal of the complaint would go to show that the thrust of the allegation is against co-accused Md. Wajiullah that he established physical relation with the victim and so far as this petitioner is concerned, it has been stated that the co-accused had brought the complainant to the house of the petitioner which is about 30 kilometers from the house of the victim. It has also been submitted that there is no documentary evidence on record with regard to termination of pregnancy.

5. Learned APP for the State and learned counsel for the opposite party no. 2 have opposed the application for anticipatory bail on the ground that the complainant/informant was taken to the house of the petitioner where her pregnancy was terminated and girl was a minor.

6. Taking into consideration the rival contentions



and also the fact that no specific allegation has been attributed against the petitioner who is a lady and has no criminal antecedent, let the above named petitioner in the event of her arrest or surrender before the learned Court below within a period of four weeks from today, be enlarged on bail 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 court below where the case is pending/successor court in connection with Harlakhi P.S. Case No. 247 of 2023, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Soni Shrivastava, J)

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