

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86966 of 2024

Arising Out of PS. Case No.-60 Year-2023 Thana- MAHILA PS District- Darbhanga

1. Md. Kamre Alam @ Qamre Alam @ Qamr Alam Son of Ishaque Rayeen Resident of Village- Pali, PS -Ghanshyampur, District- Darbhanga
2. Chhoti Khatoon @ Saida Khatoon Wife of Mohammad Tahir Rain @ Md. Tahira Rain Resident of Village- Pali, PS -Ghanshyampur, District- Darbhanga

... .. Petitioner/s

Versus

1. The State of Bihar
2. Afsana Praveen @ Afsana Khatoon D/O- Zakir Rain Resident of Village- Pali, P.S.- Ghanshyampur, Distt.- Darbhanga

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md. Shamimul Hoda, Advocate.
For the Opposite Party/s : Mr.Md. Ataur Rahman, APP.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 10-01-2025 Heard Mr. Md. Shamimul Hoda, learned counsel appearing on behalf of the petitioners and Mr. Md. Ataur Rahman, learned APP for the State.

2. The petitioners seek pre-arrest bail in connection with Mahila P.S. Case No. 60 of 2023 registered for the offence punishable under Sections 376, 313 and 511/34 of the Indian Penal Code and Sections 4 and 6 of the POCSO Act.

3. As per the allegation made in the F.I.R., all the accused persons forced the informant to abort child due to blow on her stomach by them. The informant is minor.

4. Learned counsel appearing on behalf of the



petitioners submitted that informant has herself admitted that she was in relationship with one co-accused Md. Jawaid Rayeen @ Mohammad Javed Rain @ Jawed Rain who is son of petitioner no.2. There is no specific allegation against the petitioners that it is the petitioners who had forced the informant to abort the child or had assaulted which resulted into miscarriage. Learned counsel further relied on Para-116 of the case diary in support of the fact that miscarriage happened due to tumbling of the informant from the stair. He further submits that the allegation of sexual assault is against co-accused Md. Jawaid Rayeen @ Mohammad Javed Rain @ Jawed Rain.

5. Learned APP for the State has vehemently opposed the prayer for grant of pre-arrest bail to the petitioners.

6. Having considered the rival submissions made on behalf of the parties, as well as, the nature of allegation against the petitioners who are maternal uncle and mother of the main accused Md. Jawaid Rayeen @ Mohammad Javed Rain @ Jawed Rain against whom there is direct allegation of establishing physical relationship with the informant, I find that the petitioners have, *prima facie*, made out a case to be released on bail.

7. The petitioners, above named, are directed to be



released on pre-arrest bail, in the event of their arrest or surrender before the Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Special Judge, POCSO Act, Darbhanga in connection with Mahila P.S. Case No. 60 of 2023, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

8. The bail application stands disposed of.

(Purnendu Singh, J)

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