

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.39585 of 2016

Arising Out of PS.Case No. -25 Year- 2016 Thana -MAHILA P.S. District- PATNA

1. Naghma @ Naghma Shoaib @ Rani Daughter of Md. Shoaib a resident
of Mohalla- Dargah Road, Police Station- Sultanganj, District Patna

.... Petitioner

Versus

1. The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner : Mr. Arvind Kumar Mouar, Adv.

For the Opposite Party : Mr. Madhuranand Jha, APP 102

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR

JHA

ORAL ORDER

3

21-10-2016

Heard both the sides.

The petitioner apprehends his arrest in Mahila P.S. Case No. 25 of 2016 under Sections 376(D), 420, 468, 471 and 34 of the Indian Penal Code.

The victim made allegation that the petitioner came across with the victim and introduced her to be student of medical coaching institute. The petitioner took the victim in Meerchese Restaurant on the occasion of her birth party and offered cold drink. It was mixed with some intoxicant. The owner of the restaurant, Zaidi, and two waiters, namely, Md. Neyaz and Bhola, also joined them. The victim alleged that all committed rape with her one-by-one and also prepared her video. The victim has narrated the entire story how the accused persons black mailed her during the last three years.

The learned counsel for the petitioner submits that the petitioner is unmarried girl. She happens to be the sister of Md. Neyaz. The photographs of the informant with Md. Neyaz shows that she was in love with Md. Neyaz and when the relationship broke, the informant filed this case making false and frivolous allegation. No video was prepared, but, from the perusal of the first information report and the case diary, it appears that one Simran also filed a case being Gaya Mahila P.S. Case No. 12 of 2016 under Section 376(D) and other sections of the Indian Penal Code

making same and similar allegation against the petitioner and others. The allegation on the face appears to be very heinous and the petitioner has got criminal antecedent.

Considering the facts and circumstances, I am not inclined to enlarge the petitioner on anticipatory bail.

The prayer for anticipatory bail is rejected.

However, if the petitioner surrenders and prays for regular bail, it may be considered on its own merit, without being prejudiced of this order.

(Prabhat Kumar Jha, J)

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