

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38401 of 2016

Arising Out of PS.Case No. -12 Year- 2016 Thana -MAHILA PS District- GAYA

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1. NAGAMA @ RANI @ NAGHMA SHOIB, Daughter of Md. Shoib @ Shibu, Resident of At- Dargah Road Karbala (Shanichra), Police Station- Sultanganj, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Javed Aslam

For the Opposite Party/s : Mr. Smt. Sahin Begam

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

3 18-10-2016 Heard both sides.

The petitioner apprehends her arrest in Gaya Mahila P.S. case No. 12 of 2016 under Section 376D, 114, 342, 365, 352, 379, 471/34 of the Indian Penal Code and under Section 66A, 66E of the I. T. Act.

The victim, in sum and substance, made allegation that petitioner firstly befriended with her and requested her to help. The victim came to Gaya railway station. The petitioner introduced her two brothers with the victim and they all took her to Fun Friday Restaurant, Bodh Gaya. She further alleged that one Kush Singh Rajput was also there. Thereafter, all the accused persons stripped her clothes, made video and also committed rape

with her. The petitioner is alleged to have helped the accused persons throughout the occurrence and also in preparing video. The victim alleged that the petitioner and others blackmailed her for years on threat of putting the video on facebook and other social media.

Sri Ansul, the learned counsel for the petitioner, submits that petitioner is a girl and she happens to be sister of Md. Neyaz, one of the main accused of the case. The story, as disclosed by the victim, does not appear to be worth reliable as petitioner herself being a lady cannot participate in such offence in which victim itself is a lady. The victim kept silent for about three years. The victim appears to be daughter of a police officer and that is why this case has been lodged and the police is exerting undue pressure but from perusal of the FIR and case diary it appears that the victim made very specific allegation against the petitioner that she firstly befriended with her and thereafter on the pretext of getting help took her along with her brothers to a restaurant where all the male members committed rape with her one by one and also prepared video of her naked photo and the incident. The accused persons continued to torture the victim on threat to put the photo on social media. It appears from the perusal of the case diary also that Md. Neyaz threatened the victim and

also he prepared fake I-card showing the victim to be his wife. In paragraph 131 of the case diary one Preeti Kumari also made same and similar allegation against the petitioner and other accused persons.

Considering the nature of allegation made against the petitioner, I am not inclined to enlarge the petitioner on anticipatory bail. Accordingly, the same is rejected.

If the petitioner surrenders in the court below, i.e., the learned Chief Judicial Magistrate, Gaya in Gaya Mahila P.S. case No. 12 of 2016, and prays for regular bail, the learned court below shall consider the prayer for regular bail of the petitioner on its own merit.

(Prabhat Kumar Jha, J)

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