

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.50070 of 2016

Arising Out of PS.Case No. -40 Year- 2016 Thana -MAHILA P.S. District- SIWAN

Meraj Ali @ Ejaz Alam

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raghav Prasad, Advocate

For the Opposite Party/s : Mr. Satya Nand Shukla, A.P.P.

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL ORDER

2 22-11-2016

Heard learned counsel for the petitioner and learned

A.P.P. for the State.

The petitioner is languishing in jail since 11.06.2016 in a case registered for offences punishable under Section 376/34 of the Indian Penal Code.

The prosecution case as lodged by the informant, who is victim herself, is that she had been taken away by one of the co-accused Baliram Singh and subjected to rape by the said accused alongwith the petitioner.

Learned counsel for the petitioner submits that the allegations upon him are false. He has committed no offence and there was some land dispute between the parties, hence, the petitioner has been falsely implicated. He further submits that a Co-ordinate Bench of this Court has granted the privilege of bail to the other co-accused Baliram Singh, in Cr. Misc. No. 44246 of 2016 dated 05.10.2016.

However, learned counsel for the State submits that the petitioner is named in the F.I.R, hence, opposes the prayer for bail.

Be that as it may since a Co-ordinate Bench on similar allegation has granted the privilege of bail to the other accused, let the petitioner above named, be released on bail on furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction learned Sub Divisional Judicial Magistrate, Siwan in connection with Siwan Mahila P.S. Case No. 40/2016.

This direction for privilege of bail so granted is further subject to the condition that the petitioner shall not directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence and shall appear in the learned Court below as and when required.

With these observations and directions, this bail application is allowed.

(Nilu Agrawal, J)

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