

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.7413 of 2017

Arising Out of PS.Case No. -72 Year- 2016 Thana -MAHILA PS District-
EASTCHAMPARAN(MOTIHARI)

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1. Nasim Mian @ Nasim, Son of Israil Mian, resident of village - Sirsha,
P.S. Muffasil Motihari, District - Motihari (East Champaran)

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Jeetendra Narayan, Advocate

For the Opposite Party/s : Mr. Sri Parmeshwar Mehta (APP)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

2 20-03-2017 Heard learned counsel for the petitioner and learned
counsel representing the State.

The petitioner seeks bail in connection with Mahila
P.S Case No. 72 of 2016 registered for the offences punishable
under Sections 341, 342, 323, 363, 354(A), 376(G), 328/34 of the
Indian Penal Code.

Allegedly, the petitioner and two other co-accused
boarded the informant in white colour Bolero vehicle forcibly and
started assaulting and teasing her thereafter the informant came to
know their names as they were talking by taking name as one was
petitioner and another was Pramod Sahni and third was not
identified, they forcibly administered cold drink, resulting, the
petitioner lost her sense and thereafter she found her in Sadar
hospital, Motihari, and it reveals that she was raped by them.

Submission is of false implication and that the
statement of the informant has been recorded under Section 164



of the Cr.P.C. wherein she has not named the petitioner or anyone vide Annexure-2, the informant has filed compromise petition also vide Annexure-3 and, as such, the petitioner who is suffering in custody since 13.11.2016 deserves sympathetic consideration as medical evidence also does not support the allegation of rape.

Learned A.P.P. submits that in the F.I.R. the petitioner is named.

In the facts and circumstances stated above, considering that in the statement recorder Section under 164 Cr.P.C. the petitioner is not named and further medical evidence also does not support the allegation of rape and, as such, petitioner is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, East Champaran, Motihari, in connection with Mahila P.S. Case No. 72 of 2016, subject to the conditions that one of the bailors must be a near relative and another having sufficient immovable property within the territorial jurisdiction of the Court concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

(Jitendra Mohan Sharma, J.)

Rajiv/-

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