

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27420 of 2017

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

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Md. Neyaz, son of Md. Shoaib alias Shibu, resident of mohalla Dargah Road, Karbala (Shanichara), P.S. Sultanganj, District Patna

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Md. Shamimul Hoda

For the Opposite Party/s : Mr. Bhanu Pratap Singh

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

4 23-08-2017 Heard learned counsel for the petitioner and learned APP for the State.

Petitioner is languishing in judicial custody since 16.05.2016 in connection with S.T. No. 653/2016, arising out of Mahila P.S. Case No. 25/2016 for offences punishable under Sections 376(D), 420, 468, 471, 34 of the Indian Penal Code and Section 66 of the I.T. Act.

The prosecution case, as lodged by the victim girl, is that she has been subjected to rape by the petitioner and two others since 2012 and the petitioner has made a video of her nude photographs and uploaded it on the facebook creating fake I.D.

It has been submitted by the learned counsel for the petitioner that he is innocent, bears no criminal history except another case lodged by Samrin in the year 2016 bearing Mahila



P.S. Case No. 12/16. He submits that the occurrence is of the year 2012 and First Information Report has been lodged after inordinate delay in the year 2016 i.e. after four years. He further submits that the charge has been framed, witnesses are yet to be examined and he is languishing in custody for about 1½ years. It is further submitted that one of the co-accused Abu Zaid, who was the owner of the restaurant, has been granted privilege of pre-arrest bail by a Coordinate Bench of this Court in Cr. Misc. No. 42387 of 2016 on 24.03.2017.

However, learned APP for the State opposes the prayer for bail stating therein that the First Information Report and the statement of the victim girl under Section 164 Cr.P.C. is one and the same as similar allegations have been levelled against the petitioner and that the prosecution witnesses have supported the prosecution case.

Considering the facts and circumstances and the materials on record, let petitioner, above named, be enlarged on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Addl. Sessions Judge-X, Patna, in connection with S.T. No. 653/2016, arising out of Mahila P.S. Case No. 25/2016, subject to the condition that one of the bailors would be a close relative of the petitioner having sufficient



immovable property within the jurisdiction of the concerned police station/ court, who will file an affidavit stating his relationship with the petitioner and that petitioner will not tamper with the evidence or make inducement of any kind and will appear before the learned court below during trial as and when required and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds. It is also made clear that if the petitioner indulges in an offence of similar nature in future, the prosecution will be at liberty to move the learned court below for cancellation of his bail bonds.

(Nilu Agrawal, J)

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