

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.52714 of 2017

Arising Out of PS.Case No. -36 Year- 2017 Thana -MAHILA P.S. District- SEKHPURA

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Md. Lalu @ Nawaj Hussain

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Syed Ehteshamuddin, Advocate

For the Opposite Party/s : Mr. Ram Sevak Choudhary, APP

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 09-11-2017 Counsel for the petitioner and the State are present.

Petitioner is an accused in a case registered for offence under sections 363, 366A, 376D and 506 IPC as well as under the IT Act and the POCSO Act.

FIR discloses that the petitioner and his brother committed rape on the victim.

Counsel for the petitioner submits that the victim has not levelled allegation of rape on the petitioner in her Section 164 Cr.P.C. statement in which she has stated that co-accused Raju while committing rape ordered the petitioner to make video. He submits that the medical evidence is also not supporting the allegation. Petitioner is accused in two other cases detailed in paragraph 3 of the petition in which he is already on bail. Charge sheet has also been submitted in the case and there is no chance of tempering with the evidence.

Petitioner is in custody since 13.8.2017.

In the facts of the case, the bail application is allowed.

Let the petitioner as mentioned above be released on bail on furnishing bail bond of Rs.10,000/- with two sureties of the



like amount each to the satisfaction of the Additional Sessions Judge I, Sheikhpura in POCSO case no. 35 of 2017 Sheikhpura (Mahila) Police Station Case No. 36 of 2017, GR no. 3674 of 2017 on the following conditions:-

(a) One of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with him. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.

(b) The petitioner will give an undertaking that he will receive the police papers on the given date and be present on date fixed for charge and if he fails to do so on two given dates and delays the trial in any manner, his bail will be liable to be cancelled for reasons of misuse.

c) The petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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