

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.56352 of 2017

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

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Md. Neyaz, Son of Md. Shoaib alias Shibu, resident of Mohalla- Dargah Road, Karbala, Sanichara, Police Station- 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. Sri Satyendra Narayan Singh

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 09-01-2018

Heard the parties.

The petitioner seeks bail in connection with Gaya Mahila P.S. Case No. 12 of 2016 dated 08.03.2016 instituted for the offences under Sections 376(D), 114, 342, 365, 352, 379, 471/34 of the Indian Penal Code and Section 66A and 66E of the Information Technology Act, 2000.

The prosecutrix has alleged that at the instance of one her friends, viz. Nagma, she had accompanied the petitioner and others to a restaurant viz. Fun Friday, where she was subjected to sexual intercourse by the petitioner and others. It has been alleged by the prosecutrix that a video was filmed and on the pretext of making such video viral, the petitioner and others continuously subjected her to sexual misdemeanor. This was continued for a year and thereafter the case was reported.

Learned counsel for the petitioner has submitted



that Nagma, who is said to have abetted and facilitated the aforesaid crime, is none else but the sister of the petitioner. Another brother of the petitioner has been made accused in this case. It has further been submitted that it does not appear to be probable that a sister would help her brother in ravishing a girl and that too, a friend of her's, for a long time. The learned lawyer has expressed his surprise that this kind of an act continued for a year and no report was made by the prosecutrix, even though she is daughter of a police officer.

Regard being had to the nature of accusation against the petitioner, this Court is not inclined to grant bail to him, notwithstanding the fact that he is in custody since 01.07.2016 and charges in this case have not yet been framed. However, keeping in view the custody of the petitioner, it is directed that if the case has been committed to the Court of Sessions, charges be framed as expeditiously as possible and the petitioner and other accused persons be tried forthwith.

With the aforesaid observation, the present bail petition is rejected.

(Ashutosh Kumar, J)

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