

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10337 of 2019

Arising Out of PS. Case No.-66 Year-2017 Thana- MAHILA P.S. District- Muzaffarpur

MD. NASEEM @ MUNNA KUMAR S/o Md. Alaudding village-
Chandanpatti, P.S-Sakra, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anish Kumar

For the Opposite Party/s : Mr.Shailendra Kumar

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 01-05-2019 Heard learned counsel for the petitioner and the
learned counsel appearing on behalf of the State.

Petitioner had earlier moved for bail which was
rejected by order dated 30.03.2018 passed in Cr. Misc. No.
11766 of 2018.

Petitioner is languishing in judicial custody since
09.11.2017 in connection with Sessions Trial No. 227 of 2018
arising out of Mahila P.S. Case No. 66 of 2017, G.R. No. 5247
of 2017 for offences punishable under Sections 295, 295(A),
341, 342, 376(D) of the Indian Penal Code and Sections 4 and 5
of the Immoral Traffic Prevention Act.

The prosecution case as lodged by the informant
Kiran Kumari is that she along with the petitioner was working
for an export company and on the pretext of marriage, he took
her to his village, committed rape on her and made her a



prostitute.

It has been submitted by the learned counsel for the petitioner that he is innocent, bears no criminal antecedent, the informant was a married lady and had come with the petitioner on own sweet-will. He submits that just because she was demanding 2-3 lakhs for construction of her house, the petitioner has been made accused in order to blackmail the petitioner.

However, learned counsel for the State opposes the prayer for bail.

In this regard, a report was called for from the court of the learned Additional District and Sessions Judge-XIIIth, Muzaffarpur. A report has been received being letter no. 174 of 2019 dated 08.04.2019 stating therein that uptil now no witness has been examined although summons have been issued. From perusal of the case diary, it appears that victim lady was a married woman of 32 years of age as per the medical opinion.

Considering the nature of allegations and the materials on record, let the 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 the learned 13th Additional Sessions Judge, Muzaffarpur in



connection with Sessions Trial No. 227 of 2018 arising out of Mahila P.S. Case No. 66 of 2017, G.R. No. 5247 of 2017, subject to the conditions:-

(1) One of the bailors would be close relative of the petitioner having sufficient immovable properties, who will file an affidavit stating his relationship with the petitioner.

(2) The petitioner 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.

(Nilu Agrawal, J)

devendra/priyanka

U		T	
---	--	---	--

