

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2132 of 2020

Arising Out of PS. Case No.-4 Year-2019 Thana- MAHILA P.S. District- Samastipur

MD. FALAK NAZ @ RAJU, aged about 23 years, Male, Son of Md. Sabir,
Resident of Village - Morwa Hat, P.S.- Tajpur, District - Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur, Advocate
For the State	:	Mr. Yogendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

4 05-06-2020 Heard Mr. Ajay Kumar Thakur, the learned counsel for the petitioner and Mr. Yogendra Kumar, the learned Additional P.P. on the bail petition through video conferencing.

The petitioner seeks bail in Mahila P.S. Case No.04 of 2019, registered under Sections 323, 341 and 376/34 of the Indian Penal Code.

The prosecutrix alleged that she had gone to her maternal uncle's house. Md. Falak Naz @ Raju, the petitioner videographed her from the whole of the bathroom door and he started black mailing the informant. The petitioner established physical relation on the assurance of marriage but later on the petitioner is said to have refused to marry with the victim.

Learned counsel for the petitioner submits that the petitioner denied to have any physical relation with the victim rather the victim wanted to marry with the petitioner and when the petitioner refused to marry, the victim lodged the case. It is further



submitted that even from perusal of the FIR and the statement made under Section 164 Cr.P.C., it would appear that the victim had physical relation with the petitioner with her consent and free will. The petitioner is in jail since 14.11.2019.

The learned Additional P.P. however, opposed the prayer for bail and submitted that the victim also reiterating the same facts in her statement recorded under Section 164 Cr.P.C.

From perusal of the FIR itself, it appears that the victim firstly narrated that the petitioner videographed her while she was in the bathroom but later on the victim disclosed that the petitioner established physical relation on assurance of marriage and she continued to have physical relation without any resistance but she filed a case only when the petitioner refused to marry. The victim appears to be a major girl.

Taking into consideration the facts aforesaid, petitioner, namely, Md. Falak Naz @ Raju is directed to 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 Judicial Magistrate, 1st Class, Samastipur in connection with Mahila P.S. Case No.04 of 2019.

(Prabhat Kumar Jha, J)

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