

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27670 of 2021

Arising Out of PS. Case No.-632 Year-2020 Thana- SITAMARHI District- Sitamarhi

MD WALIULLAH @ BALIULLAH RAHMANI @ MUNNA S/o Iftekhhar
Ahmad R/o village- Mahuli Nanhkar, P.S.- Jaley, District- Darbhanga
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dinesh Jha, Advocate
For the Opposite Party/s : Mr. Asha Devi, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 13-12-2021 Heard learned counsel appearing on behalf of the
petitioner and learned APP appearing on behalf of the State.

Petitioner who is in custody since 28.11.2020 seeks regular bail in connection with Sitamarhi P.S. Case No. 632 of 2020 registered for offences punishable under Sections 376 of the Indian Penal Code.

Prosecution case as per the written report of the informant is that the petitioner had committed rape for last five years and he has also recorded naked video of the informant. By one mobile phone bearing SIM No. 9798309287, petitioner called her in hotel Tulip situated in Mehsaul area.

Learned counsel on behalf of the petitioner submits that after divorcing her husband, informant has lodged the present case against the petitioner who is having polytechnic degree and completed his course in the year 2018 and thereafter



he started working on the post of electrician in Godavari Project (J.V) at Santa Cruz, Mumbai and while he returned to his home during lockdown, the informant has implicated him in the present false case alleging that he has continuously been raping her for last five years. He further submits that all the documents would show that petitioner was not present continuously from the year 2015 to 2019 and he has falsely been implicated in the case. He further submits that the informant was married to one Atibur Rahman but she left him in the year 2020 along with her three children.

Learned A.P.P. appearing on behalf of the State Submits that the statement of the victim under Section 164 Cr.P.C. has supported the story of rape, however, the medical report does not corroborate the said allegation of rape.

Considering the above mentioned facts and circumstances of the case, from perusal of the case diary, medical report and the statement of the victim under Section 164 Cr.P.C as well as the material brought on record substantiating the fact that the petitioner was student of polytechnic and after completion of his course, he joined a job in Mumbai and during the period of lockdown he came back to his home and during the said period the petitioner has been



implicated in the present case, prima-facie petitioner has made out a case for regular bail as nothing has come in the medical report and there is nothing on record to substantiate the fact that any naked videography of the informant has been made by the petitioner, the petitioner is directed to be released on bail upon furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Sitamarhi in connection with Sitamarhi P.S. Case No. 632 of 2020 subject to the following conditions:

(i) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(ii) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(iii) If the petitioner tempers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(Purnendu Singh, J)

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