

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36431 of 2020

Arising Out of PS. Case No.-222 Year-2018 Thana- AURAI District- Muzaffarpur

Md. Amjad Ali son of Bachchu @ Md. Bachche Resident of Village- Simri,
P.S.- Aurai District- Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar
2. SHAFQAT ZEYA Daughter of ZEYAUL ISLAM Resident of Village-
Sasauli, P.S.- Aurai District- Muzaffarpur.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md. Anis Akhtar, Advocate

For the Opposite Party/s : Mr. Uday Chand Prasad, APP.

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

2 30-01-2021 Heard learned counsel for the petitioner and learned

APP for the State. Learned counsel for the petitioner has filed an

undertaking to remove all the defects pointed out by the Stamp

Reporter as and when required. It is accordingly directed that all

defects pointed out by the Stamp Reporter be removed within

one month hereof.

2. The petitioner is in custody since 22.01.2020 in

connection with Sessions Trial No. 109 of 2020 arising out of

Aurai P.S. Case No. 222 of 2018, for the alleged offences under

Sections 376, 504 and 506 of the Indian Penal Code.

3. It is submitted that the petitioner has been falsely

implicated on the accusation of having established physical



relationship with the informant on the pretext of marriage, having uploaded objectionable photographs of her on a fake Facebook account in the name of Zoya Khan. It is submitted that as a matter of fact there was love affair between the petitioner and the informant, but the marriage proposal from the petitioner's side was turned down by the informant's family leading to animosity. The accusation of rape is not supported by the medical report. On the application of the petitioner, the uploading of photograph on the Facebook account was investigated and a report dated 12.12.2018 was sent by the office of A.C.P. Cyber Crime, Ludhiana to the Commissioner of Police, Ludhiana, in which it was stated that the fake Facebook account in the name of Zoya Khan had been created from the mobile number 77386-62856 which stood in the name of one Mohammad Sageer. The petitioner claims clean antecedents.

4. Learned APP appears and refers to the impugned order that the informant has supported the case in her statement under Section 164 CrPC.

5. Be that as it may and in view of the report from the office of A.C.P. Cyber Crime, Ludhiana and having regard to the period of custody already suffered since 22.01.2020, let the petitioner above named be released on bail on furnishing bail



bond of Rs. 10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of learned 15th Additional Sessions Judge, Muzaffarpur, District Muzaffarpur in connection with Sessions Trial No. 109 of 2020, arising out of Aurai P.S. Case No. 222 of 2018, if he is not otherwise required in any other case.

6. Office shall follow-up to ensure that all defects are removed and compliance with the notices of this Court are made by the petitioner within the stipulated time provided in para 1 hereinabove, failing which the matter shall be brought to the notice of this Court.

(Vikash Jain, J)

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