

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.64285 of 2021**

Arising Out of PS. Case No.-475 Year-2019 Thana- KATIHAR NAGAR District- Katihar

Md. Arman @ Md. Aman Raza @ Md. Armaan Raza, Son of Md. Raza, R/O
Village- Durgapur Pashchimi Tola, P.S.- Nagar, District- Katihar

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Vikram Deo Singh, Advocate
Mr. Md. Qumrul Hoda, Advocate
For the Opposite Party/s : Mr. Rajiv Nayan, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

3 05-01-2022 Learned counsel for the petitioner undertakes to remove the defects as pointed out by the Stamp Reporter within four weeks after start of normal functioning of this Court.

Heard learned counsel for the petitioner and Mr. Rajiv Nayan, learned A.P.P. for the State.

This is the third attempt of the petitioner to obtain regular bail in connection with Nagar P.S. Case No. 475 of 2019 registered for the offences punishable under Section 376, 384, 504, 506 of the Indian Penal Code. The petitioner is in custody since 26.07.2019.

While rejecting his prayer for bail on the last occasion on 22.02.2021, this Court observed as under:-

“ Let the trial be completed



preferably within a period of six months from today. The trial court shall ensure that appropriate steps are taken to get the attendance of the official as well as non-official witnesses on the dates fixed in the matter. The prosecution must cooperate and the Superintendent of Police, Katihar is directed to ensure appearance of the witnesses on the date fixed in the matter.

If the trial is not concluded within the aforesaid period for no reason attributable to the petitioner, he may renew his prayer for bail. The trial court shall not grant unnecessary adjournments in the matter.”

Learned counsel for the petitioner submits that the petitioner is in custody in connection with this case since 26.07.2019. The alleged occurrence took place when the petitioner and the victim girl who is admittedly major were studying in public school in Class-XII. It is his submission that the victim girl has admitted in her statement under Section 164 Cr.P.C. that she was in friendship with this petitioner and in that friendship she had visited the hotel where the alleged occurrence took place. So far as that part of the occurrence is concerned, which took place in the hotel, she did not lodge any complaint. It is the subsequent developments in which it is



alleged that the petitioner was demanding money by showing her objectionable photographs made her perturbed and she disclosed it to her parents as she was being blackmailed.

Learned counsel submits that in the statement under Section 164 Cr.P.C. itself she disclosed her age as 19 years. It is further submitted that till now three prosecution witnesses have been examined, however, four more chargesheet witnesses have remained to be examined. It is his submission that considering the fact that the petitioner who was also a student at the relevant time has already remained in jail for two and half years and losing on his study, he may be released on bail, particularly considering the observations given by this Court in the previous order.

On the other hand, Mr. Rajiv Nayan, learned A.P.P. for the State has opposed the prayer for regular bail of the petitioner. It is his submission that the victim girl has made allegations that this petitioner was squeezing money on the strength of her objectionable photographs.

Having regard to the materials available on the record as regards the allegations against the petitioner and further the report of the learned trial court saying that letter has been issued to Superintendent of Police, Katihar for the production of the



witnesses, for the present this Court is not inclined to release the petitioner on bail at this stage. However, considering the previous observations of this Court and the fact that the petitioner has already remained in jail for two and half years, this Court observes that in case the trial is not concluded within a period of four months from the date of communication of this order, the petitioner may renew his prayer for bail in the court below itself and the same be considered on its own merit by the learned trial court without being prejudiced by the fact that this Court has not granted bail at this stage.

The application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

