

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12047 of 2023

Arising Out of PS. Case No.-55 Year-2021 Thana- MAHILA P.S. District- Siwan

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Mahamad Rashid @ Rashid Ali @ Md. Rashid Ali, aged about 25 years
(Male), son of Shri Aash Mahamad, resident of village- Aranda, P.S.- M. H.
Nagar Hasanpura, Dist- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Yogesh Chandra Verma, Sr. Advocate with
Mr. Amarendra Kumar, Advocate

For the Opposite Party/s : Mr. Bisheshwar Ram, APP

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CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 16-05-2023 Heard Mr. Yogesh Chandra Verma, senior counsel

assisted by Mr. Amarendra Kumar, learned counsel for the

petitioner and learned Additional Public Prosecutor for the

State.

2. The petitioner seeks bail in connection with Siwan
Mahila PS Case No. 55 of 2021 dated 30.11.2021, instituted for
the offence punishable under Sections 376, 313/34 of the Indian
Penal Code.

3. The allegation against the petitioner is that he
established physical relationship with the prosecutrix/victim for
about two years on the pretext of false promise of performing
marriage with her. The victim became pregnant several times
but the same was aborted at the instance of the petitioner. It is



further alleged that the petitioner made several obscene video films of the victim and used to threaten her to make it viral.

4. Learned counsel for the petitioner submits that it is admitted case of the victim that she was in relationship with the petitioner for a period of two years and she was of 23 years when the relationship started. Learned counsel further submits that the petitioner was working in foreign country from 15.04.2019 to 31.10.2019 and the alleged offence of sexual assault upon the victim is false and fabricated. Learned counsel further submitted that the niece of the petitioner, namely, Kajal Khatoon had lodged a complaint case under Sections 341, 354-B, 323, 504, 506/34 of the Indian Penal Code and Section 7, 8 of the Prevention of Children from Sexual Offence Act against the victim's brother and father and the date of occurrence is 15.11.2021. Learned counsel further submits that even if the allegation is taken to be true, it was with the consent of the victim and, as such, no offence under Section 376 Indian Penal Code would be made out at all. Lastly, it has been submitted that the petitioner is in custody since 12.10.2022 having clean antecedents and charge-sheet has already been submitted in the case.

5. Learned APP has opposed the prayer for bail.



6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Siwan, in Siwan Mahila PS Case No. 55 of 2021.

(Khatim Reza, J)

J. Alam/-

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