

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18932 of 2022

Arising Out of PS. Case No.-233 Year-2021 Thana- DORIGANJ District- Saran

MD. SALAHUDDIN @ SALAHUDDIN S/o Late Nasiruddin R/o village-
Dhenuki, Marhaura, P.S.- Marhaura, District- Saran (Bihar)- 841418

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Rajendra Narain,Senior Adv. Mr.Manju Narain,Adv. Mr.Umesh Kr.Roy,Adv. Mr.Aadesh Raj Singh,Adv.
For the Opposite Party/s :		Mr.Mukesh Kumar Singh,APP
For the Informant	:	Mr.Nawal Kishore Singh

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

5 30-01-2023 Heard the learned senior counsel for the petitioner and the learned APP for the State as also learned counsel for the informant.

The petitioner seeks regular bail in connection with Doriganj P.S. Case No.233 of 2021, registered for the offences punishable under Sections 376, 420, 120B of the Indian Penal Code and Section 67 of Information Technology Act.

The case of the prosecution, in brief, according to the informant, is that she had undergone an operation of uterus in the year 2017, whereafter her son-in-law i.e., the petitioner herein



used to inject prescribed injection, however, during the course thereof, he had injected some intoxicating drugs, resulting in her becoming unconscious, whereafter, he used to commit rape with her. It is also alleged that the petitioner had made a video clip of the alleged occurrence and had made it viral.

The learned senior counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case, he is having a clean antecedent and he is languishing in custody since 03.11.2021. The learned senior counsel for the petitioner has further submitted that the occurrence, if any, may be consensual in nature, but the petitioner is having no complicity in the alleged occurrence, inasmuch as admittedly, the informant had not raised any such issue, regarding the petitioner having committed rape with her, for a period of 4 ½ years and only on 09.09.2021, an F.I.R. has been lodged, hence, the said behavior of the informant itself shows that the FIR is motivated since the



occurrence in question is purely consensual in nature, inasmuch as both the informant and the petitioner are adults. It is further submitted that not a single video clip of the alleged occurrence or any obscene photographs of the informant has been collected during the course of investigation, hence, it is submitted that the petitioner has been falsely implicated in the present case only with oblique motives.

Per contra, the learned counsel for the informant as also learned APP for the State have vehemently opposed the prayer for bail, but from the case diary, they have not been able to show that the police has either collected any obscene video clips during the course of investigation or any witness has come forward to suggest that the obscene video clips of the informant had been made viral.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials



available on record as also considering those available in the case diary, this Court finds that minuscule evidence is available on record so as to suggest criminal conspiracy and complicity of the petitioner in the alleged crime, hence, I deem it fit and proper to direct for release of the petitioner on regular bail.

Accordingly, the above named petitioner is directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned 1st Additional Sessions Judge, Saran at Chhapra in connection with Sessions Trial No.26 of 2022 arising out of Doriganj P.S. Case No.233 of 2021.

(Mohit Kumar Shah, J)

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