

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No.40217 of 2022**

Arising Out of PS. Case No.-28 Year-2021 Thana- MAHILA PS District- Katihar

MD. NOOR NAWAZ @ MD. NOOR NAWAJ @ PINKU SON OF MD.  
SULTAN @ MD. SULTAN ALAM, R/O VILLAGE- CHAUKI, DHAPSIA,  
P.S.- KADWA, DISTRICT- KATIHAR.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

|                      |   |                                              |
|----------------------|---|----------------------------------------------|
| For the Petitioner/s | : | Mr. Ajay Kumar Thakur<br>Mr. Md. Rahmatullah |
| For the State        | : | Mr. J. N. Thakur                             |
| For the Informant    | : | Mr. Radha Mohan Singh                        |

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR  
PANDEY**

ORAL ORDER

6      23-03-2023                      Heard the learned counsel for the petitioner as well as  
  
the learned counsel for the informant and also heard Mr. J. N.  
Thakur, the learned Additional Public Prosecutor for the State.

The petitioner is seeking regular bail in connection  
with Mahila P.S. Case No. 28 of 2021 registered for offence  
punishable under sections 376 (D), 506 of the Indian Penal  
Code and section 66 (E) of the Information Technology Act.

As per allegation, co-accused Azhar Nishad was  
teasing the daughter of the informant and the petitioner, who is  
friend of Azhar Nishad, shot the objectionable photographs of  
the victim and threatened to make it viral if the ransom of  
Rs.2,00,000/- could not be paid. The victim in fear made a



payment of Rs.2,00,000/- to the petitioner, but again the petitioner and his friend demanded Rs. 5,00,000/- as ransom. Lastly, those photographs were made viral. It is alleged further that the petitioner and co-accused Azhar Nishad had physical relation with the victim after administering her some intoxicating material in cold drink.

The learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. The statement of the victim under section 164 of the Cr. PC shows itself that the victim and the petitioner were known to each other. In her statement under section 164 of the Cr. PC, she has stated that she was offered some snacks by the petitioner, but she asked the petitioner that she may take cold drink, which shows that there was cordial relation between the petitioner and the victim.

On the other hand, the learned APP and the learned counsel for the informant have submitted that the petitioner and another accused person Md. Azhar Nishad are *Debars* of the victim and not only they committed rape upon her but they also made viral her vulgar photographs. They have also submitted that the prayer of bail of co-accused Azhar Nishad has been rejected by a coordinate Bench of this Court.



Considering the aforesaid facts and circumstances as well as the nature of allegation, I am not inclined to grant bail to the petitioner. Accordingly, his prayer for bail is rejected.

**(Nawneet Kumar Pandey, J)**

Mahesh/-

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