

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67007 of 2023

Arising Out of PS. Case No.-278 Year-2023 Thana- PAKARIBARAW District- Nawada

Md. Sohail @ Md. Sohail Alam @ Md. Sohal Alam @ Sohail Alam Son of Naushad Alam, Resident of Village - Paraiya, P.S. - Dhamaul Pakaribarawan, District- Nawada.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Md. Soban Asghar, Advocate

For the Opposite Party/s : Mr. Arun Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 07-11-2023 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner in the present case is seeking pre-arrest bail in connection with Pakaribarawan (Dhamaul O.P.) P.S. Case No. 278 of 2023 registered for the offences punishable under Sections 376 and 34 of the Indian Penal Code and Section 67 of the Information Technology Act. The petitioner has got no criminal antecedent.

3. As per the prosecution story, on 02.05.2023 one Md. Adil had come to the house of the informant to buy chicken but since her father was not at home, she returned the petitioner. It is alleged that Md. Adil used to meet the informant and allure her. The informant came in his influence. The said Md. Adil and this petitioner are alleged to have made a vulgar video of the

informant. It is alleged that by showing the vulgar video, Md. Adil committed rape with the informant several times and started blackmailing her and also took gold ornaments from her.

4. Learned counsel for the petitioner submits that from a bare perusal of the First Information Report it would appear that the informant is herself 26 years old and the alleged allurement in the name of marriage and then commission of rape is specifically made against the co-accused Md. Adil.

5. It is submitted that the petitioner has been made an accused in this case with sole allegation that he along with Md. Adil have made a vulgar video of the informant and thereafter it was Md. Adil who had shown the said vulgar video to the informant and committed rape with her under threat of blackmailing and he had allegedly taken money and ornaments from the informant.

6. Learned counsel submits that it is a case of false implication of the petitioner in the name of making of vulgar video, however, there is no allegation that this petitioner has ever shown any vulgar video to the informant and had ever tried to blackmail her.

7. Learned A.P.P. for the State has though opposed the prayer for anticipatory bail of the petitioner but considering the facts and circumstances of the case wherein there is no specific

allegation against the petitioner of commission of any overt act with the informant and further considering that the petitioner has otherwise no criminal antecedent, this Court directs that in case of his arrest/surrender within a period of six weeks from today, let the petitioner above-named be enlarged on bail on furnishing bail bond of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of Shri Pratik Sagar, learned Judicial Magistrate, 1st Class, Nawada in connection with Pakaribarawan (Dhamaul O.P.) P.S. Case No. 278 of 2023 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

8. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

9. This application stands allowed.

(Rajeev Ranjan Prasad, J)

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