

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73591 of 2022

Arising Out of PS. Case No.-14 Year-2021 Thana- MAHILA P.S. District- Araria

Md. Hefaj @ Hefajuddin @ Hejajuddin @ Hefaz Son Of Late Mussaraf R/O
Village- Purab Aurahi, Ward No.06, P.S.- Simraha, District- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Madhav Jha, Advocate

For the Opposite Party/s : Mr. Damodar Prasad Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 27-07-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, if any, within a period of four weeks from today.

3. Petitioner seeks bail who is in custody since 13.10.2022 in connection with Araria (Mahila) P.S. Case No. 14 of 2021, F.I.R. dated 23.01.2021 for the offences punishable under Sections 376(D), 341, 323, 307/34 of the Indian Penal Code.

4. According to prosecution case, the co-accused, Md. Shahjad on inducement to solemnize marriage with the informant has sexually exploited the informant and this petitioner along with other accused persons also committed



rape upon her and started torturing and giving threat to make her video viral on social media.

5. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case merely on the ground that the petitioner is the friend of the co-accused, Md. Shahjad. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offences as alleged in the F.I.R. He further submits that the petitioner is a paralyzed person and his condition is very poor.

6. The learned Additional Public Prosecutor on the basis of material available on record and the case diary has vehemently opposed the prayer for bail of the petitioner and submits that the informant in the F.I.R. has particularly stated that the petitioner and other accused persons have forcefully raped her and her statement was also recorded under Section 164 of the Cr.P.C. in which she has also supported the allegation as alleged in the F.I.R. He further submits that the medical report also confirm that at the time of medical examination, the victim was found to be pregnant.

7. Considering the aforesaid facts and circumstances, I am not inclined to enlarge the petitioner on bail in connection



with Araria (Mahila) P.S. Case No. 14 of 2021 pending in the
court of learned Judicial Magistrate 1st Class, Araria.

8. Prayer is refused.

(Rajesh Kumar Verma, J)

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