

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.41720 of 2016**

Arising Out of PS.Case No. -158 Year- 2016 Thana -MINAPUR District- MUZAFFARPUR

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Md.Mustakim @ Mustakim Mohammad, Son of Nisar Ahmed Resident of  
village - Repura, P.S. Meenapur, District - Muzaffarpur

.... .... Petitioner

Versus

The State of Bihar

.... .... Opposite Party

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**Appearance :**

For the Petitioner : Mr. Hari Kishore Thakur, Advocate

For the Opposite Party : Mr. Sri Lalan Kumar (APP)

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA**  
**ORAL ORDER**

2      05-10-2016                      Heard learned counsel for the petitioner and the  
  
learned counsel representing the State.

The petitioner seeks bail in connection with  
Meenapur P.S Case No. 158 of 2016 registered for the offences  
punishable under Sections 364 and 376 of the Indian Penal Code.

This case has been lodged on the basis of complaint  
petition filed before the Hon'ble the Chief Minister, State of  
Bihar, with allegation that the petitioner used to teas and assault  
his niece and further inspite of her marriage she went at her in-  
laws house assaulted her, committed rape with her and kidnapped  
her with an intention to kill her.

Submission is of false implication and that the  
statement of the victim girl has been recorded under section 164 of



the Cr.P.C. wherein she has stated that her marriage was performed with Lalan Giri, against her consent and he used to commit assault, she is in love with the petitioner and she went with the petitioner with her pleasure and she has denied about her kidnapping and also denied to commit wrong with her and this fact is evident from the impugned order itself, the medical report has also assessed the age of the victim as 16-17 years and the Magistrate, who recorded her statement under section 164 of Cr.P.C. has also assessed her age as 17 years and at present the victim is living with brother-in-law of the petitioner.

The learned A.P.P. fairly submits that victim girl in her statement has denied committing any wrong by the petitioner and she has also denied regarding her kidnapping.

In the facts and circumstances stated above, considering the statement of the victim girl recorded under section 164 of the Cr.P.C., the petitioner is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of the learned Chief Judicial Magistrate, Muzaffarpur, in connection with Meenapur P.S. Case No. 158 of 2016, subject to the conditions that one of the bailors must be a near relative and another having sufficient immovable property within the territorial jurisdiction of the Court

concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

**(Jitendra Mohan Sharma, J.)**

Rajiv/-

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