

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.57777 of 2017**

Arising Out of PS.Case No. -45 Year- 2017 Thana -MAHILA P.S. District- MUZAFFARPUR

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Md. Neyaz, S/o Md. Nezamul, R/o Village- Sipahpur, P.S.- Ahiyapur,  
District- Muzaffarpur.

.... .... Petitioner/s

Versus

The State of Bihar

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA**

ORAL ORDER

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2      21-12-2017              Let the supplementary affidavit filed on behalf of the  
petitioner be kept on the record.

Heard learned counsel for the petitioner and the learned  
A.P.P. for the State.

The petitioner apprehends his arrest in connection with  
Mahila P.S. Case No.45 of 2017 registered under Sections 376,  
323, 504 and 506/34 of the Indian Penal Code besides Sections 4  
and 6 of the POCSO Act.

The accusation is that Rukhsar Praveen, the daughter of  
the informant Raushan Khatton, aged about 17 years, used to do  
the work of maid in the house of her neighbour Md. Neyaz  
(petitioner). In that course, the petitioner developed physical



relation with the daughter of the informant on assurance to perform the marriage with her. After passing over 5-6 months, on seeing her daughter, the informant came in suspicion, then she made query to her daughter, who disclosed about the incident to the informant saying that the petitioner developed physical relation with her on giving threatening to kill her and her brother in case of disclosing about making physical relation with her to anyone. While the panchayati was arranged where the petitioner, alongwith his father and mother, became agreed to perform his marriage with the daughter of the informant but, later on, they refused to perform the marriage with the daughter of the informant.

Learned counsel for the petitioner submits that, in fact, Md. Islam Quraishi maternal uncle of petitioner who is also residing in the village of the petitioner and the informant, has filed Ahiyapur P.S. Case No.605 of 2016 under Sections 341, 323, 307, 504, 34, 324 and 379 of the Indian Penal Code against Md. Nirale, the son of the informant and his other family members, which would appear from Annexure-2 to the supplementary affidavit filed on behalf of the petitioner, due to that reason, the petitioner has falsely been implicated in this case. The petitioner has no criminal antecedent.



Having considered the facts and the circumstances of the case, let the petitioner, above named, in the event of his arrest or surrender by him within six weeks from today, be enlarged on bail on his furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the 1<sup>st</sup> Additional Sessions Judge-cum-Special Judge, POCSO Act, Muzaffarpur, in connection with Mahila P.S. Case No.45 of 2017, subject to the conditions laid down under Section 438(2) Cr.P.C.

**(Rajendra Kumar Mishra, J)**

**P.S./-**

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