

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.1811 of 2019

Arising Out of PS. Case No.-10 Year-2018 Thana- MAHILA THANA District- Begusarai

Md. Mustakim @ Md. Mushtakim, male, aged about 68 years, son of Md. Safik @ Sakif, resident of village Phulkari, Parra Tola Ward No. 20, P.S. Birpur, district Begusarai ... Petitioner

Versus

The State Of Bihar

... Opposite Party

Appearance :

For the Petitioner : Mr. Pritish Kumar Lal, Adv.

For the Opposite Party : Mr. Brajendra Nath Pandey, APP 91

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 15-01-2019 Heard the learned counsel for the petitioner and the learned counsel appearing for the State.

The petitioner is languishing in judicial custody since 02.11.2018 in connection with POCSO Case No. 21 of 2018 arising out of Mahila P.S. Case No. 10 of 2018 for the offences alleged under Sections 366A and 354B of the Indian Penal Code and under Section 7 of the Protection of Children from Sexual Offences Act.

The prosecution case, as lodged by a 13 year old victim-girl, studying in seventh standard, is that while she had gone to the market, the petitioner took her in a train to Ranchi and, there, in a room he started molesting her, but, when the petitioner came to Begusarai, coming to know that a case has been lodged against him, he left her in the Bus Stand and fled away.

It has been submitted by the learned counsel for the petitioner that he is innocent, bears no criminal history and is a man of more than 60 years. He submits that the allegations



are false as the first information report has been lodged after 14 days of the occurrence and no plausible explanation has been given for such delay. The petitioner submits that he suo motu surrendered before the Additional Sessions Judge, I, Begusarai, on 02.11.2018, as per the statement made in paragraph 12 of the application. He submits that no overt act has been alleged against the petitioner and case has been registered after the victim-girl was recovered, hence, the prosecution case is itself contradictory.

However, the learned Additional Public Prosecutor for the State vehemently opposes the prayer for bail stating that the petitioner had kidnapped the minor girl for illicit motive.

Considering the facts and circumstances and the materials on record, let the petitioner, above named be released on bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each in connection with POCSO Case No. 21 of 2018 arising out of Mahila P.S. Case No. 10 of 2018 to the satisfaction of Sri P.K. Dixit, Additional Sessions Judge, I, Begusarai.

(Nilu Agrawal, J)

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