

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No.42396 of 2019**

Arising Out of PS. Case No.-14 Year-2019 Thana- MAHILA P.S. District- Bhagalpur

MD. MUBARAK @ MD. MOBARAK Son of Late Alauddin Resident of Village-Muslim Tola Bhaturiya, Police Station-Madhusudanpur, District-Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Syed Masleh Uddin Ashraf  
For the Opposite Party/s : Mr.Raj Ballabh Singh

**CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA  
ORAL ORDER**

2      15-07-2019                      Heard learned counsel for the petitioner and the State.

The petitioner seeks bail in **POCSO Case No. 13 of 2019 arising out of Mahila P.S. Case No. 14 of 2019**, instituted for the offence under Section(s) 376 of IPC and Section 3/4 of Protection of Children from Sexual Offences (POCSO) Act.

It is alleged in the written report that when 10 years old daughter of the informant was alone in the house, the petitioner entered into the house. He after removing pant of daughter of the informant started doing wrong activity with her. When the victim girl started crying, petitioner fled away.

Counsel for the petitioner submits that as per *Fard-e-beyan*, the occurrence has taken place on 27.2.2019 at 21:10



p.m. The victim girl has been examined by Doctor on 28.2.2019 (Annexure-2). The Doctor has found no physical or chemical injury on her body including private part. No stain on under garments was found. The Doctor has opined the age of victim girl between 6-9 years. There was no evidence of recent sexual assault. Petitioner has been implicated in the instant case due to village politics.

Petitioner is in custody since 28.2.2019 having clean antecedent.

Considering the aforesaid facts and circumstances of the case, prayer of the petitioner for grant of bail is allowed. Let the petitioner above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of **learned 1<sup>st</sup> Additional Sessions Judge cum Special Judge, POCSO, Bhagalpur,** in connection with **POCSO Case No. 13 of 2019 arising out of Mahila P.S. Case No. 14 of 2019,** subject to the condition that both the bailors will be the close relatives of the petitioner.

**(Sanjay Priya, J)**

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