

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.11296 of 2020**

Arising Out of PS. Case No.-450 Year-2015 Thana- MUFFASIL District- West Champaran

Masoom Son Of Mohammad Muslim @ Md. Muslim Resident Of Village -  
Beladari, P.S.- Bettiah Muffasil, Dist.- West Champaran ... Petitioner  
Versus

The State Of Bihar ... Opposite Party

**Appearance :**

For the Petitioner : Mr.Sachida Nand Rai, Advocate  
For the Opposite Party : Mr.Chandra Sen Pd Singh, Addl Public Prosecutor

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH**  
**ORAL ORDER**

2      22-06-2020                      This matter is taken up for consideration through  
Video Conferencing.

Heard learned counsel for the parties.

Petitioner apprehends arrest in a case registered for  
the offences punishable under Sections 4 and 6 of the POCSO  
Act.

Petitioner and two other accused persons are alleged  
to have committed rape on the prosecutrix in a hotel room.

Learned counsel appearing for the petitioner submits  
that the petitioner has falsely been implicated in this case  
because of being full brother of the co-accused Rinku Kumar,  
who is the hotel owner, where the alleged offence has been  
committed. He submits that in fact police, after investigation,  
found no evidence against the petitioner and thus it submitted  
final form on 30.4.2017. However, differing with the same the  
court below took cognizance of the offence. Learned counsel  
further refers to the section 164 Cr.P.C. statement of the victim  
in which she has not named the petitioner for committing any  
offence. Petitioner has got no criminal antecedent.

Learned counsel for the State does not controvert the



aforesaid submission.

Considering the facts of the case, let the petitioner, above named, in the event of surrender before the Court below 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 the Additional Sessions Judge I cum Special Judge (SC/ ST /POCSO), Bettiah, West Champaran in Bettiah Mufassil Police Station Case No. 450 of 2015, subject to the conditions laid down under section 438(2) of the Code of Criminal Procedure.

**(Prabhat Kumar Singh, J)**

Shashi

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