

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No 36557 of 2020**

Arising Out of PS. Case No.-66 Year-2020 Thana- ISHAKCHAK District- Bhagalpur

MD MAHTAB Son of Md. Mushtaque Resident of Mohalla - Barahpura  
(Uttar Tola), P.S.- Ishakchak, District - Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr Md Najmul Hodda, Advocate  
For the Opposite Party/s : Ms Gulnar Begum, APP

**CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD**

**ORAL ORDER**

**2      30-01-2021**                      Heard learned counsel for the petitioner and the  
learned APP for the State.

The petitioner seeks bail in Ishakchak Police Station  
(for brevity, *PS*) Case No 66 of 2020 instituted for the offence  
punishable under Sections 341, 354B, 504, 506/34 of Indian  
Penal Code and Section 8 of Protection of Children from Sexual  
Offences (for brevity, *POCSO*) Act.

The petitioner and other co-accused persons have  
allegedly dragged the victim (minor girl) with mal intention.  
There is allegation of assault and tearing the clothes against  
other co-accused persons.

It is submitted that prosecution is belated and the  
same is a glaring example of false implication. The petitioner



bears a clean past. He is in custody since 20.08.2020. First Information Report is counterblast to an earlier case lodged by the petitioner's side. The allegation and counter allegation are based on earlier disputes and upon settlement of the same, the compromise petition has been filed in the Court below and the informant and accused persons have expressed their willingness that they are not interested to further proceed with the matter. The compromise petition has been enclosed as Annexure 3 series to the instant petition.

Learned APP has opposed the prayer for bail.

Considering the rival submissions, prayer for bail is allowed. Let the petitioner, above named, be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Additional Sessions Judge VI -cum- Special Judge, POCSO Act, Bhagalpur in Ishakchak PS Case No 66 of 2020 subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.



(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

Learned counsel for the petitioner is expected to honour his undertaking given in the instant proceedings today for depositing requisite Court fee and removing the defect (s), as pointed out, when called upon to do so.

**(Madhuresh Prasad, J)**

**M.E.H./-**

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