

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9428 of 2022

Arising Out of PS. Case No.-702 Year-2021 Thana- AKBARPUR District- Nawada

MD. MUSTAFA Son of Nahalshah Resident of Village - Dihi, P.S. - Akbarpur, District - Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Anuj Kumar, Advocate
For the Informant	:	Mr. Gautam, Advocate
For the Opposite Party/s	:	Mr. Syed Ehteshamuddin, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 28-06-2022 Heard learned counsel for the petitioner and learned A.P.P. for the State.

The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 341, 420, 376/34 of the Indian Penal Code read with Section 4(i) of the Protection of Children from Sexual Offenses Act, 2012.

Learned counsel for the petitioner submits that the petitioner is a person with clean antecedent.

The informant alleges that she along with her minor friend, aged about 14 years, was called by Md. Rayan @ Kavish at his house on the pretext of giving practical copy. When the informant along with her friend reached the house of Md. Rayan @ Kavish, Md. Mustafa and Md. Abid Ansari were present from before. It is alleged that Md. Abid Ansari raped the informant



and Md. Mustafa raped her friend. It is alleged that a video of the occurrence was also made by accused Md. Rayan @ Kavish.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case and the medical report also negates the prosecution case. It is next submitted that the date of occurrence is 08.11.2021 and the FIR came to be instituted on 13.11.2021 after an inordinate delay of five days.

Learned counsel for the informant and learned A.P.P. for the State opposed the prayer for anticipatory bail of the petitioner and submits that two minors, who were called by Md. Rayan @ Kavish to his house, had gone very innocently where the petitioner acted like a beast and raped the friend of the informant when the informant was raped by another co-accused. It is next submitted that from perusal of the seizure list, it would manifest that the videography of the occurrence has also been made part of the investigation by way of a pen-drive. Learned counsel next submits that as far as delay is concerned, any prudent person would have felt fearful in approaching the police thinking of her reputation and reputation of the family. Learned counsel for the informant submits that the act of the petitioner is so beastly that it may have the effect of nipping in bud the life



which is yet to blossom.

Considering the submissions made by the learned counsel for the informant, the Court is not inclined to grant anticipatory bail to the petitioner in connection with Akbarpur P.S. Case No. 702 of 2021 pending in the Court of learned Additional Sessions Judge-VI-cum-Special Judge (POCSO Act), Nawada/successor Court.

Accordingly, prayer for anticipatory bail is rejected.

(Satyavrat Verma, J)

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