

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55318 of 2022

Arising Out of PS. Case No.-17 Year-2021 Thana- MAHILA THANA District- Begusarai

Md. Maqsood @ Md Maqsood Alam S/o Late Md. Idrish R/o Village-
Singhaul, Ward no. 01, P.S.- Muffasil (Singhaul O.P.), District -Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Yogesh Chandra Verma, Sr. Advocate Mr. Ram Sumiran Rai, Advocate
For the Opposite Party/s	:	Mr. Akshay Lal Pandit, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

4 06-04-2023 Heard learned senior counsel for the petitioner and the
learned APP for the State.

Petitioner seeks regular bail in connection with
Mahila P.S. Case No. 17 of 2021 dated 17.06.2021 registered for
the offences punishable under Sections 341, 376/34 of the
Indian Penal Code and Section 4 of POCSO Act.

As per the prosecution, the informant (prosecutrix)
alleged that this petitioner established sexual relation with her
on false pretext of marriage by enticing her and thereafter the
informant was continuously subjected to sexual intercourse by
this petitioner.

The main submissions advanced by the learned senior
counsel for the petitioner are that from the facts narrated in the



FIR, it is clearly evident that the alleged sexual relation between the victim and the petitioner was consensual as the same continued for six months and when the petitioner was establishing sexual relation with the victim on 07.06.2021 they were caught by brother of the victim and thereafter the family members of the victim started pressurizing the petitioner to marry with the victim and finally the case was lodged as the petitioner did not agree to marry with the victim. Further submission is that though in the FIR the victim has shown her age as 15 years at the time of lodging the FIR but as per medical expert's opinion her age was assessed between 15-17 years and if one year is added to the upper side of the said opined age she can be deemed to be a major girl. Further submission is that the FIR was lodged ten days after the commission of the alleged occurrence dated 07.06.2021 and the medical board did not give any positive finding regarding the sexual assault with the victim. Further submission is that the petitioner is presently facing trial and upon him the charges have been framed and he voluntarily surrender before the court below and has been languishing in jail since 22.08.2022 and he has fair and clean antecedent.

Learned APP appearing for the State has opposed the bail prayer and submitted that against the petitioner there is



serious allegation.

Considering the above submissions and the facts and circumstances of this case and mainly the facts that the petitioner is presently facing trial and upon him the charges have been framed and he voluntarily surrendered before the court below and an inordinate delay took place in lodging the FIR, in the opinion of this court, the petitioner deserves to a lenient approach of this court. Accordingly, let the petitioner 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 concerned Court in connection with Mahila P.S. Case No. 17 of 2021.

(Shailendra Singh, J)

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