

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32645 of 2024

Arising Out of PS. Case No.-344 Year-2023 Thana- GORAUL District- Vaishali

Md. Rustam @ Kallu Son of Md. Rahman Resident of Village - Sandho Dih,
Police Station - Goraul, District - Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mazharul Hassan, Advocate

For the Opposite Party/s : Mr. Madhuri Lata, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 20-07-2024 1. Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 342, 323,
506, 366(A), 376 and 511 of the Indian Penal Code as well as
Sections 8 and 10 of the POCSO Act.

3. Learned counsel for the petitioner submits that
petitioner is a person with clean antecedent and the complainant
alleges that her minor daughter, aged about 13 years, was
stalked by Md. Imteyaz, on which the complainant complained
to the parents of Md. Imteyaz, who assured that such occurrence
will not take place in future. Further, the petitioner along with
Md. Imteyaz kidnapped the daughter of the complainant and
brought her to the tyre shop of the petitioner. On coming to
know, the complainant's husband along with others went to the



shop of the petitioner and brought his daughter back, who disclosed that petitioner along with Md. Imteyaz behaved inappropriately with her.

4. Learned counsel for the petitioner submits that petitioner has been falsely implicated in the instant case. It is further submitted that petitioner has a tyre puncture shop and is known to Md. Imteyaz. It is next submitted that Md. Imteyaz and the victim were in love and both were minor, as such, their friendship was being objected by the parents of the victim. On the date of occurrence, Md. Imteyaz along with the victim came to the shop of the petitioner for getting his flat tyre repaired. It is further submitted that petitioner was completely unaware that the victim has eloped with Md. Imteyaz. It is next submitted that no prudent person would use his own premises for committing an occurrence and thus would create evidence against himself and hence would get implicated. It is also submitted that had the petitioner been involved in the occurrence, definitely he would not have brought the victim to his shop from where it is alleged that she was recovered. It is further submitted that the allegation of behaving inappropriately with the victim is ornamental in nature. It is next submitted that Md. Imteyaz has been granted the privilege of regular bail by a Juvenile Justice Board. It is



also submitted that petitioner will not abscond rather will cooperate in the investigation.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

6. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Goraul P.S. Case No. 344 of 2023, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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