

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.6869 of 2016

Arising Out of PS.Case No. -222 Year- 2015 Thana -AJAMNAGAR District- KATIHAR

1. Ganno Ansari, S/o Late Bashir Ansari @ Late Fakir Ansari, R/o village Bagchall, P.S. Azam Nagar, District- Katihar.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sharda Nand Mishra

For the Opposite Party/s : Mr. Jitendra Kr.Roy 1(App)

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

2 14-03-2016 Heard learned Counsel for the petitioner and learned Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises out of Azam Nagar Police Station Case No. 222 of 2015, disclosing offences under Section 376 (G) of the Indian Penal Code.

It is alleged that the informant was returning back from a local fair to her house at about 11:30 PM when the petitioner and co-accused Firoz Ansari, firstly asked her to come in the motorcycle and when she refused, they are said to have forcibly made her to sit in the motorcycle. It is alleged that thereafter they took the informant to a lonely place and both of them committed rape on her.

The occurrence is said to have taken place on

12.11.2015; whereas, she was made to undergo medical examination on 14.11.2015.

It is submitted on behalf of the petitioner that on medical examination, no sign of rape was found on the informant, which completely falsifies the allegation made in the First Information Report against the petitioner. He further submits that false criminal case has been instituted maliciously and that the petitioner cannot, considering his status, flee from the course of investigation or trial nor influence the witnesses or otherwise tamper with the evidence.

Considering the above submission, this application is allowed.

Let the petitioner, Ganno Ansari, in the event of his arrest or surrender before the Court below within six weeks, 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 learned Chief Judicial Magistrate, Katihar, in connection with Azam Nagar Police Station Case No. 222 of 2015, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioner shall present himself before the police/Court, as

the case may be, as and when required and in the event of failure on his part to appear before the Court on two consecutive occasions, his bail bond shall be liable to be cancelled.

(Chakradhari Sharan Singh, J.)

Prabhakar Anand/-

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