

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41034 of 2017

Arising Out of PS.Case No. -84 Year- 2017 Thana -DHAMDAHA District- PURNIA

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Mukhtar Ansari Son of Mursid Ansari, Resident of Village- Priyanker
Momintola, P.S.- Dhamdaha, District- Purnia.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dr. Bidhu Ranjan, Adv.

For the Opposite Party/s : Mr. Sri S.M. Rahman, A.P.P.

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

5 17-11-2017 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail in connection with Dhamdaha P.S.
Case No. 84 of 2017 for offences punishable under Section 376 of
the Indian Penal Code and Section 3 and 4 of POSCO Act.

The prosecution case, as lodged by the informant, is
that his daughter Munni Kumari aged 13 years along with his
niece Kavita Devi had gone along with other children to cut grass
in the field thereafter information was given by Kavita Devi that
the petitioner has committed rape on his daughter Munni Kumari.

It has been submitted by the learned counsel for the
petitioner that he is innocent, bears no criminal history and has
been falsely implicated in the aforesaid case as the field belonged



to him and he had scolded the children for cutting grass from his field. He submits that charge-sheet has already been submitted, there is no allegation of tampering of the prosecution witnesses by the petitioner and he is languishing in judicial custody since 22.04.2017.

However, learned APP for the State opposes the prayer for bail stating therein that the victim girl under Section 164 Cr. P.C. has also made allegations upon the petitioner of committing rape and that the witness Kavita Devi has also stated that she has seen the petitioner.

Considering the facts and circumstances and the materials on record and the period of custody, let petitioner, above named, be enlarged 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 1st Additional Sessions Judge-cum-Special Judge (SC/ST), Purnia in connection with Special Case No. 27 of 2017 arising out of Dhamdaha P.S. Case No.84 of 2017, subject to the conditions that:

- (1) Both bailors would be close relative of the petitioner having sufficient immovable property within the jurisdiction of the concerned police station/ court, who will file an affidavit stating their relationship with the petitioner.



(2) Petitioner will appear before the learned court below during trial as and when required and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.

(Nilu Agrawal, J)

Devendra/-

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