

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42232 of 2016

Arising Out of PS.Case No. -55 Year- 2016 Thana -ASAWAN District- SIWAN

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1. Naim Ansari @ Nayeem Ansari Son of Nek Mohammad Ansari Resident
of Village- Bardahan, Police Station- Asaon, District Siwan.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Raghav Prasad

For the Opposite Party/s : Mr. Sri Uma Shankar Prasad Singh

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

7 20-01-2017 Heard learned counsel for the petitioner as well as
learned Addl. Public Prosecutor.

The application is for grant of bail in connection
with Assaon PS case no. 55 of 2016 for the offence under Sections
376, 342 of the Indian Penal Code and Sec. 6/8 of POCSO Act.

It is submitted on behalf of petitioner that in this
case though the girl was present in the police station at the time of
lodging of FIR but the case has been lodged by the father of the
victim. Secondly, no statement of girl had been recorded at that
very stage rather her statement under Section 164 of Code of
Criminal Procedure has been recorded after 25 days of occurrence.
It is further submitted that medical report does not show sign of
rape on the victim and petitioner is in custody for about 07



months. As a matter of fact, the petitioner has been implicated in this case as a piece of land was situated in front of the house of informant but the same is purchased by the petitioner, hence, false and concocted case has been filed against the petitioner.

Heard learned A.P.P. also. Learned

Having heard both sides. In view of the fact that there is direct allegation against the petitioner and even the victim, in her statement under Section 164 of Code of Criminal Procedure has supported the case of the prosecution, I am not inclined to enlarge the petitioner on bail though he is in custody for about 07 months. As such, bail application of the petitioner is rejected. However, learned court below is directed to expedite the trial of the case.

With these observations, this bail application is dismissed.

(Vinod Kumar Sinha, J)

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