

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41306 of 2018

Arising Out of PS.Case No. -72 Year- 2018 Thana -ARA MUFFSIL District- BHOJPUR

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1. Riyaz Ansari S/o Salau Miya @ Md. Salauddin, R/o Vill.- Rampur Milki,
P.S.- Ara Muffasil, District- Bhojpur Ara.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajeev Ranjan, Advocate

For the Opposite Party/s : Mr. Rajkishore Singh, APP

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 25-09-2018 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The Petitioner seeks regular bail in connection with
POCSO P.S.Case No. 17/18 arising out of Ara, Muffasil P.S. Case
No. 72 of 2018, registered for offences punishable under Sections
376, 511, 354(B)/34 of the Indian Penal Code and Section 67(A)
of I.T. Act and Section 8 of POCSO Act.

As per FIR, allegation against the petitioner is that the
petitioner along with other tried to commit rape upon the
informant and other co-accused person, Subhash Ram was
preparing a video. In the meantime, one Arvind Kumar tried to
save her but the petitioner threatened her not to disclose the matter
otherwise the video became viral on internet.



Submission of the learned counsel for the petitioner is that during course of examination the doctor has opined the age of the victim girl is in between 18-20 years, hence no case is made out under POCSO Act and the allegation against the petitioner is false and concocted which will appear from the fact that statement of the girl under Section 164 Cr.P.C. is contradictory to F.I.R., in which she raised allegation of rape against co-accused, Arvind Kumar and he is in custody since 10.03.2018.

Heard learned A.P.P as well learned counsel for the informant, who opposes the prayer for bail.

Having heard both sides and in view of the facts and circumstances and there is a contradictory version, as stated in the statement under Section 164 Cr.P.C. and FIR., let the petitioner, above named, be enlarged on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Additional District Judge-I, Bhojpur, Ara in connection with POCSO Case No. 17/18 arising out of Ara Muffasil P.S. Case No. 72 of 2018, subject to the following conditions:-

- i) One of the bailors of the petitioner shall be a local person having sufficient immovable property within the jurisdiction of the concerned Court.



- ii) The petitioner will not induce any witness or tamper with the evidence.
- iii) It is made clear that if petitioner found involved in any of the like offences, in future, prosecution is free to move for cancellation of his bail bonds.

(Vinod Kumar Sinha, J)

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