

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.7246 of 2018**

Arising Out of PS.Case No. -191 Year- 2017 Thana -BANMANKHI District- PURNIA

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Md. Tausif Ansari @ Md. Tausif S/o Md. Mivin Ansari @ Movin, R/o  
Village- Ekraha, Ward No. 12, P.S.- Jankinagar, District- Purnea.

.... .... Petitioner/s

Versus

The State of Bihar

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Amit Kumar Anand

For the Opposite Party/s : Mr. Sri Kumar Virendra Narayan

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**CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL**  
**ORAL ORDER**

2      07-02-2018                      Heard learned counsel for the petitioner and learned  
APP for the State.

This is the second round of litigation. Earlier prayer for  
bail of the petitioner was rejected by this Court vide order dated  
21.12.2017 passed in Cr. Misc. No. 50529 of 2017.

Petitioner who is languishing in judicial custody since  
18.08.2017 seeks bail in connection with Special Case No.69 of  
2017 arising out of Banmankhi P.S. Case No. 191 of 2017 for  
offences punishable under Section 376 of the Indian Penal Code  
and Section 4 of the POCSO Act.

The prosecution case, as lodged by the informant, is  
that her daughter Rubi Kumari, aged 14 years, along with her  
friend Veena Kumari went to the school and the petitioner was



found behind close door along with two minors and was trying to commit rape on them. The two minors disclosed that the petitioner had been committing rape on them since last one year and on account of threatening they had not disclosed it earlier.

It has been submitted by the learned counsel for the petitioner that he is innocent and bears no criminal history. He submits that in Sessions Trial No. 69 of 2017 it is deposed by the informant that the petitioner has good reputation which has been affirmed by the two victims in the statement before the trial court which he annexes as Annexure-3 series. He submits that since the allegations are baseless and the trial is going on, the petitioner is ready to cooperate in the trial.

However, learned APP for the State opposes the prayer for bail.

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 1<sup>st</sup> Additional Sessions Judge-cum-Special Judge (POCSO) Act, Purnea in connection with Special Case No.69 of 2017 arising out of Banmankhi P.S. Case No. 191 of 2017, subject to the conditions that:



- (1) One of the bailors would be a close relative of the petitioner, who will file an affidavit stating his 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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