

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.715 of 2019

Arising Out of PS. Case No.-30 Year-2018 Thana- MAHILA P.S. District- Sitamarhi

Jamshed Ansari son of Jafir Ansari, Resident of Village-Parihar, Sahoraba Tola, Ward no. 7, P.S.- Parihar, District - Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shankar Kumar

For the Opposite Party/s : Mr.Sri Uday Pratap Singh

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 21-01-2019 Heard both sides.

The petitioner apprehends his arrest in Sitamarhi Mahila P.S. Case No.30 of 2018 registered under Sections 376, 506 and 34 of the Indian Penal Code and under Section 4/6 of the POCSO Act.

The victim made allegation that the petitioner and one Guddu Ansari forcibly took her inside the forest while she was cutting grass and committed rape with her one by one.

Learned counsel for the petitioner submits that the occurrence is said to have taken place on 10.07.2018 but F.I.R. was lodged on 20.07.2018. The informant alleged that there was a panchayati in which panches decided to get the victim married with Jamshed Ansari (petitioner) but Jamshed Ansari refused to marry. It is submitted that the entire allegation is false. The



victim wanted to marry with the petitioner and on refusal, this case has been lodged.

Having considered the fact that the victim has made specific allegation against the petitioner and one Guddu Ansari who committed rape with her, I am not inclined to enlarge the petitioner on anticipatory bail. Accordingly, the same is rejected.

If the petitioner surrenders in the court below and prays for regular bail, the court below shall consider the prayer for regular bail of the petitioner on its own merit without being prejudiced from the order of this Court.

(Prabhat Kumar Jha, J)

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