

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11750 of 2019**

Arising Out of PS. Case No.-26 Year-2018 Thana- MAHILA PS District- Aurangabad

Anjar Ansari Son of Late Jamir Hassan Resident of Village and P.O.- Kara,
P.S.- Obra, District - Aurangabad (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs.Leelawati Kumari, Adv

For the Opposite Party/s : Mr.Bal Mukund Prasad Sinha,APP

**CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER**

3 19-06-2019 Heard learned counsel for the petitioner and
learned APP for the State.

Petitioner seeks bail in a case registered for the
offences punishable under Sections 342,376,506,120(B) of the
Indian Penal Code and Section 4 of POCSO Act.

Allegation against the petitioner is of
commission of rape against four years old daughter of the
informant.

Submission is that the victim was produced for
examination under Section 164 Cr.P.C., however, her statement
was not recorded, as the learned Magistrate found that she was
not capable of understanding the question and was incapable of
giving rational answers. Further the Doctor did not find any sign
of rape while medically examined the victim. Petitioner is close



relation of the informant and due to previous dispute, false allegation has been levelled.

No material has been brought on the record to disbelieve the allegation. Other witnesses have also supported the allegation against the petitioner.

Considering the facts, I am not inclined to enlarge the petitioner on bail in connection with Mahila P.S.Case No.26 of 2018 pending in the court of learned 1st Addl. Sessions Judge-cum-Special Judge (POCSO), Aurangabad. Hence, prayer is refused.

The learned Trial Court is directed to expedite the trial.

(Birendra Kumar, J)

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