

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.27702 of 2019**

Arising Out of PS. Case No.-158 Year-2018 Thana- KURSAILA District- Katihar

MD. ASFAQUE ANSARI Son of Md. Sirajul Ansari Resident of Village-  
Devipur, P.S.-Kursela, District-Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Mukesh Kumar Jha

For the Opposite Party/s : Mr.Brajendra Nath Pandey

**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR  
MISHRA**

ORAL ORDER

3      08-07-2019      Heard.

The petitioner apprehends his arrest in connection with Kursela P.S. Case No.158 of 2018/G.R. No.4056 of 2018 registered under Sections 376/34 of the Indian Penal Code besides Section 4 of the POCSO Act, pending in the court of the Additional Sessions Judge-cum-Special Judge, Katihar.

The accusation is that the informant Nujahat Khatoon, aged about 13 years, before six months, was cutting the grass in the maize field. At that time, Md. Munna Ansari started to take the informant forcibly at the maize field. On hearing the hullah raised by the informant, this petitioner came and, thereafter, the informant moved towards him but pointing the pistol at the informant, this petitioner asked her to do according to wish of



Munna, otherwise he would shot fire at her. Thereafter, Munna Ansari took the informant at the maize field and committed rape on her alluring the informant to perform the marriage with her. Thereafter, Munna Ansari committed rape on the informant several times. On 24.08.2018, Munna Ansari committed rape on the informant, when she was alone at her house, giving allurement of performing the marriage with the informant. In the meantime, the mother of the informant reached there, then Munna Ansari started to flee away but he was apprehended. Thereafter, this petitioner set freed Munna Ansari from the mother of the informant and gave threatening.

Learned counsel appearing on behalf of the petitioner submits that the allegation of committing rape on the informant is against Munna Ansari and not against the petitioner. Only it has come against the petitioner that he on the point of pistol, asked the informant to do according to wish of Munna Ansari and when Munna Ansari was apprehended by the mother of the informant, after committing rape on the informant, this petitioner set freed Munna Ansari.

Having considered the facts and the circumstances of the case and the nature of allegation against the petitioner, I am not inclined to grant anticipatory bail to the petitioner.



Accordingly, the prayer of the petitioner for grant of anticipatory bail stands rejected. However, the petitioner is directed to surrender before the trial court within four weeks from today and pray for regular bail, which shall be considered by the trial court in accordance with law without being prejudiced by the order of this Court.

**(Rajendra Kumar Mishra, J)**

P.S./-

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