

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3676 of 2020

Arising Out of PS. Case No.-46 Year-2019 Thana- MAHILA P.S. District- Muzaffarpur

ABID ANSARI @ MD. ABID ANSARI @ AABID ANSARI Son of Nazir
Hussain Ansari, Resident of Village-Barheta Ganga Ram, P.S.-Hathauri,
District-Muzaffarpur. Petitioner/s

Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arun Kumar, Adv.
For the Informant : Mr. Shiv Pujan Sahay, Adv.
For the Opposite Party/s : Mr.Nirmal Kumar Sinha, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 05-06-2020 Heard learned counsel for the petitioner, learned
counsel for the informant and learned A.P.P. through Video
Conferencing.

Petitioner seeks bail in Mahila P.S. Case No.46 of
2019 registered under Sections 376(D), 323 and 34 of the IPC
and under Section 4 of the POCSO Act.

The informant alleged that while she was coming
towards her house after taking milk from the house of Jugal Sah,
Prashant Gupta took her inside the bamboo bush where Nishant
Gupta, Pintu Gupta and Abid Ansari (petitioner) and Prashant
Gupta committed rape with her one by one.

Learned counsel for the petitioner submits that the
petitioner is a cousin of the victim. There is a land dispute
between the father of the victim and the father of the petitioner.
A panchayati was also held. It is further submitted that Prashant



Gupta had affairs with the victim and when the matter was protested, the victim lodged the case making false and frivolous allegation. The petitioner is in jail since 31.07.2019.

Learned A.P.P. and learned counsel appearing on behalf of the informant vehemently opposed the prayer for bail and submitted that the prayer for bail of one of the accused has already been rejected by this court.

From perusal of the records, it appears that there is a specific allegation against the petitioner that the petitioner and three other persons committed rape with her one by one in bamboo bush. The victim appears to be a minor girl aged about 16-17 years.

Having considered the facts aforesaid and the nature of allegations made against the petitioner, I am not inclined to enlarge the petitioner on bail. Accordingly, the same is rejected.

The trial court is directed to hold the trial on day to day basis and conclude the same within nine months from the date of receipt of this court. If the trial is not concluded within nine months, the petitioner, if so advised, may renew his prayer for bail thereafter.

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(Prabhat Kumar Jha, J)

