

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.6192 of 2020**

Arising Out of PS. Case No.-138 Year-2019 Thana- BIRAUL District- Darbhanga

Quddus Ansari @ Kadush Ansari, Son of Late Samsuddin Ansari, Resident of
Village-Dhakjari, P.S.-Biraul, District-Darbhanga.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Vinay Kumar Mishra, Advocate
For the Opposite Party/s : Mr.Md. Fahimuddin, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

4 31-08-2020 Heard learned counsel for the petitioner and Mr. Md.
Fahimuddin, learned A.P.P. for the State who is present and
assisted this Court in absence of Mr. Ashok Kumar Singh,
learned A.P.P.

Petitioner in the present case is seeking pre-arrest bail
in connection with Biraul P.S. Case No. 138 of 2019 (POCSO
G.R. No. 26 of 2019) registered for the offences punishable
under Sections 452, 342, 323, 354, 506 of the Indian Penal Code
and Section 12 of POCSO Act.

Learned counsel for the petitioner submits that the
petitioner and the informant are close door neighbours and they
have got dispute over the right to easement and for other reasons
on some petty issues. It is stated that because of those disputes a



false case has been registered against the petitioner who is aged about 60 years alleging that when the daughter of the informant was alone in her house this petitioner caught hold of her and by pressing her mouth he tried to take her inside the house whereupon she shouted and thereafter on seeing the neighbours who came there, the petitioner fled away.

Learned counsel submits that in course of investigation the independent witnesses in paragraph 44 and paragraph 51 of the case diary have stated about the dispute between the two neighbours and even recently there had been some quarrel over payment of milk. It is submitted that none of the witnesses have stated that they had either seen the petitioner inside the house of the informant or had seen the petitioner fleeing from the house of the informant.

It is further submitted that although in the First Information Report it is alleged that the daughter of the informant shouted whereupon neighbours came and on seeing them the petitioner fled away but in course of investigation not a single neighbour has come forward to say that he had either heard the shouting of the girl or had seen the petitioner fleeing away. Some of them have only stated that on hulla when they reached they found that the parties were quarreling and the



allegation was made.

Learned A.P.P. for the State has opposed the prayer for bail as according to him the allegations against the petitioner is that of catching hold of the daughter of the informant and attempted to take her inside the house.

Considering the facts of the case, the submission of learned counsel for the petitioner, the fact that both the parties are close door neighbours and the witnesses have supported that this much that both the parties have been quarreling on petty issues and further that in course of investigation no witness has come forward to say that he had either heard the shouting of the victim girl or had seen the petitioner fleeing away from the house of the informant, the petitioner is aged about 60 years having no criminal antecedent, let the petitioner above named in the event of his arrest or surrender within a period of four weeks from today be enlarged on bail on furnishing bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned 1st Additional Sessions Judge -cum- Special Judge (POCSO) Act, Darbhanga in connection with Biraul P.S. Case NO. 138 of 2019, subject to the condition as laid down under Section 438 (2) of the Cr.P.C. i.e.



(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

