

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.21667 of 2020

Arising Out of PS. Case No.-370 Year-2019 Thana- SAHEBGANJ District- Muzaffarpur

MUSTAK ANSARI S/o Mustakim Ansari Resident of Village- Navanagar
Nizamat, P.S.- Sahebganj, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arun Kumar

For the Opposite Party/s : Mr.Ashok Kumar

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH

ORAL ORDER

2 06-07-2020 The present petition has been taken up for consideration through the mode of Video conferencing in view of the prevailing situation on account of COVID-19 Pandemic, requiring social distancing.

Heard the learned counsel for the petitioner and Shri Ashok Kumar, learned A.P.P. for the State.

The petitioner seeks regular bail in connection with Sahebganj P.S. Case No. 370 of 2019 for the offence punishable under Sections 376 and 506 of the Indian Penal Code, Sections 4 & 6 of the POCSO Act and Section 67(B) of the I.T. Act.

The petitioner has been alleged to have committed rape with the minor victim girl at village Rampur while she was going to give food to her mother who is running a shop of *singaar*, after making the victim girl sit in his car on the pretext of dropping her at the shop of the mother. It is further alleged that the petitioner had not only raped the victim girl but had also had prepared a video secretly.

The learned counsel for the petitioner has submitted that the



petitioner is innocent, has been falsely implicated in the present case and he is having a clean antecedent and languishing in custody since 27.08.2019.

Per contra, the learned A.P.P. for the State has vehemently opposed the prayer for bail.

I have heard the learned counsel for the parties and considered the materials on record including the impugned order dated 23.05.2020. It is apparent from the record that there is a specific and direct allegation of rape having been committed by the petitioner upon the victim girl and the victim girl has also supported the prosecution version in her statement made under Section 164 Cr.P.C. before the learned Magistrate. A bare perusal of the impugned order dated 23.05.2020 would show that the trial is on the verge of completion.

Considering the aforesaid facts and circumstances of the case and the heinous nature of the crime alleged to have been committed by the petitioner as also taking into account the grievousness of the offence alleged, I do not find the present case to be a fit case for grant of regular bail, hence the present petition stands dismissed.

(Mohit Kumar Shah, J)

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