

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24601 of 2020

Arising Out of PS. Case No.-209 Year-2019 Thana- IMAMGANJ District- Gaya

MD. ILIYAS ANSARI S/o Aslam Ansari Resident of Village- Guria, P.S.-
Imamganj, District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Ms.Namrata Mishra
For the Opposite Party/s	:	Mr.Abu Haider
For the informant	:	Mr. Uday Chandra Prasad

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 22-09-2020 As of now, the Courts have not resumed normal physical hearing. The matter has been listed today for consideration through Video Conferencing.

Learned counsel are appearing and making submissions from their residence. The Court master and Secretary are also part of this virtual Court proceedings with the aid of audio visual technology.

Heard learned counsel for the petitioner, learned APP for the State and Mr. Uday Chandra Prasad for the informant.

Yesterday, the matter was passed over in presence of learned APP as the appearance has not been filed on behalf



of the informant.

Learned counsel for the petitioner is expected to honor his undertaking given in the instant case for depositing the requisite court fee and to remove the defects as pointed out by office when called upon.

The petitioner seeks bail in Imamganj P.S. Case no. 209 of 2019 instituted for the offence under Section(s) 376, 504, 506 of the IPC and Section 4 & 6 of the POCSO Act.

The prosecution case is that the petitioner has entered the house of the informant and committed rape after dragging her in a room. The prosecution case alleges that the petitioner was confined in the room by locking it outside by the mother of the victim. It is alleged that later on three uncles of the petitioner have come and intimidated the family and taken away the petitioner.

It is submitted by the petitioner's counsel that prosecution story does not inspire any confidence. The FIR is lodged on 01.12.2019 though allegations pertains to 11.10.2019. The delay of about 50 days is sought to be explained by the informant by saying that villagers were



making efforts to resolve the issue between the parties. The petitioner has no criminal antecedents and it is submitted that the medical report also does not support the prosecution case. There is variance in the statement of the victim recorded under Section 164 Cr.P.C. and which has led to lodging of the FIR. The medical examination has found the petitioner to be 18 to 19 years.

The petitioner is in custody since 17.12.2019.

The learned APP and the informant have opposed the prayer for bail. It is submitted that there is direct allegation against the petitioner of committing rape. The offence is serious in nature.

Considering the aforesaid, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/-(Ten thousand) with two sureties of the like amount each to the satisfaction of the Spl. Judge (POCSO Act) Gaya, in connection with in Imamganj P.S. Case no. 209 of 2019, subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also



undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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