

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24629 of 2020

Arising Out of PS. Case No.-42 Year-2020 Thana- BELA District- Sitamarhi

SALMAN ANSARI S/o Khalid Ansari Resident of Village-Mujaulia, P.S.-
Bela, District-Sitamarhi.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s :	Mr.Ranjeet Kumar, Advocate
For the Opposite Party/s :	Mr.Arun Kumar Singh No. 5, APP
For the Informant :	Mr. Santosh Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 04-11-2020

As of now the Courts have not resumed normal physical hearing, the matter has been listed today for consideration through Video Conferencing.

The learned counsels are appearing and making submissions from their residence. The Court Master and Secretary are also part of this virtual court proceedings from their homes, all with the aid of audio visual technology.

Mr. Arun Kumar Singh No. 5, APP is appearing for the State as it is submitted that the brief has been allotted to him by the office of Advocate General.

Heard learned Counsel for the petitioner and the learned Counsel for the State as also the learned Counsel for the informant.

This Court would expect that the petitioner's Counsel would honour his undertaking in the instant proceedings regarding supply of requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

Petitioner seeks bail in Bela PS Case No. 42 of 2020 registered under Section 376 DA of the IPC, Section 4/6 of Pocso Act and Section 67(c) of I.T. Act 2020.



The allegation is that the accused persons, including the petitioner, have committed rape one after the other upon a minor (14 years old) victim and the videography of the incident has been made viral.

Learned Counsel for the petitioner submits that from the case diary it is evident that there is no allegation that the petitioner has figured in the video which has been made viral, as per investigation, by other co-accused Talim Ansari. It is further submitted that the petitioner has falsely been implicated in this case. He bears a clean past. The FIR has been lodged after delay and the medical has not been done to support the allegation of rape. The petitioner is in custody since 10.4.2020 and on 16.10.2020 the prosecution party realising their mistake have filed a petition in the court below that they have compromised the matter with the petitioner.

Learned Counsel for the informant submits that he is also under instruction not to oppose the prayer for bail though he is not aware of any such compromise petition having been filed.

Learned APP has opposed the prayer for bail.

Considering the rival submissions as also the facts and circumstances of the case, prayer for bail of the petitioner is allowed.

Let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Additional Sessions Judge 1st -cum- Special Judge, Pocso, Sitamarhi in Bela PS Case No. 42 of 2020 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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