

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30041 of 2020

Arising Out of PS. Case No.-8 Year-2020 Thana- MAHILA P.S. District- Siwan

Md. Meraj @ Md. Meraj Ansari S/o Md. Ayub Ansari @ Mohammad Ayub
R/o Village-Bawandih, P.S.-Siswan, (Chainpur O.P.), Distt.-Siwan (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ansul

For the Opposite Party/s : Mr.A.P.P.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 24-11-2020 Heard learned counsel for the petitioner as well as
learned A.P.P. for the State through video conferencing.

The petitioner seeks bail in Siwan Sadar Mahila P.S.
Case No. 08 of 2020, registered for the offence punishable
under Sections 363, 326, 341, 342, 323, 307, 354B, 376, 504,
506, 120B of the Indian Penal Code and Sections 4 and 8 of the
POCSO Act.

As per prosecution case, the informant received an
information that his daughter aged about 13 years is
unconscious in the bathroom of the coaching centre. Thereafter,
informant and his family members rushed there and found his
daughter to be unconscious position in the bathroom and she
was taken to hospital. It is alleged that on attaining
consciousness, daughter of the informant disclosed that



petitioner alongwith two others had caught him while she was climbing staircase and when she attempted to raise alarm, her mouth was tied by cloth.

It is submitted on behalf of petitioner that petitioner is innocent and has been falsely implicated in this case due to professional rivalry. Petitioner is teacher in the coaching centre. It is further submitted that in the entire prosecution case, there is no allegation of any sexual assault. The victim, in her statement recorded under Section 164 Cr.P.C., has not made any allegation against the petitioner. The victim was medically examined and no sign of rape has been found by the doctor. Petitioner has got clean antecedent, as stated in paragraph – 3 of the petition. In this case, chargesheet has already been submitted and petitioner is in custody since 24-01-2020.

Considering the aforesaid facts & circumstances and statement of the victim girl recorded under Section 164 Cr.P.C., the bail application of petitioner is allowed. Let the above-named petitioner 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 learned 1st Additional Sessions Judge cum Special Judge, Siwan in connection with Siwan Sadar Mahila P.S. Case No. 08 of 2020, on the following conditions:



“(1) Petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present, as directed by the Court and on his absence on two consecutive dates without sufficient reason, his bail-bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.”.

(Prabhat Kumar Singh, J.)

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