

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2554 of 2020

Arising Out of PS. Case No.-133 Year-2019 Thana- SITAMARHI GRP CASE District-
Sitamarhi

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ANISUR RAHMAN Son of Sagir Alam Ansari @ Sagir Alam Resident of
Village- Jitpur, P.S.- Chhauradano, District- East Champaran (Motihari).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajive Ranjan Singh
For the Opposite Party/s : Mr. Narsingh Tanti

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

5 23-06-2020 The matter has been taken up through virtual

Court proceeding.

Heard learned counsel for the petitioner and

learned counsel for the State.

The petitioner is languishing in jail since
29.07.2019 in a case registered for the offences
punishable under Sections 363, 370, 376, 354 of the
Indian Penal Code, 1860 and Section 11 of the
Protection of Children From Sexual Offenses Act, 2012.

The prosecution case as per the fardbeyan of



AB (changed named), recorded by Vinod Kumar Singh, S.H.O., Rail Police Station, Sitamarhi on 28.07.2019 at 6:30 P.M. is to the effect that the informant was studying in high school when this petitioner developed some intimacy with the informant and for the last ten days prior to the lodging of the FIR, he was forcing the informant to leave her house and perform marriage with him. On 27.07.2019 when the mother of the informant was not at the house, the petitioner came in the house and molested her and thereafter, forced the informant to come with him. Thereafter, the petitioner and the informant reached at Sitamarhi Railway Station where the petitioner again started molesting her and on alarm being raised the police came and enquired about the incident and the petitioner was arrested.

It is submitted by learned counsel for the petitioner that in fact the petitioner and the informant were having love affairs and she on her own went along with the petitioner. During medical examination, the age



of the informant has been ascertained as 18 years. The doctor has not found any sign of rape. Moreover, in the statement recorded under Section 164 Cr. P.C., the informant herself has admitted that she on her on left along with the petitioner. Statement has been made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent. The petitioner is languishing in custody since 29.07.2019.

Learned A.P.P. submits that accusation is specific against the petitioner.

Considering the fact that accusation has not only been denied by the victim in her statement under Section 164 Cr.P.C. but the medical report also negates the accusation of having any forceful physical relationship by the petitioner and the age of the victim being assessed by the Medical Board to be 18 years coupled with the fact that the petitioner is not having any criminal antecedent, let the petitioner, above named, be released on bail, for the present, provisionally



for a period of three months on furnishing one surety to the satisfaction of learned Additional District Judge, Sitamarhi in connection with Rail P.S. Case No. 133 of 2019.

However, in view of the present pandemic COVID-19, it will be open for the learned Court below to accept the bail bond on furnishing an undertaking by the surety, on photo copy of his Aadhar Card to the effect that he is ready to become the bailor of the petitioner which may be transmitted by such surety to the learned Court concerned through e-Mode.

The provisional bail of the petitioner will be confirmed by the learned Court below within three months on furnishing bail bond of Rs. 10,000/-(ten thousands) with two sureties of the like amount each to the satisfaction of learned Additional District Judge, Sitamarhi in connection with Rail P.S. Case No. 133 of 2019 including one surety given at the time of provisional bail.



The learned Court below will be at liberty to further extend the period of provisional bail if the Court proceeding in physical mode will not resume in next three months.

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(Dinesh Kumar Singh, J)

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