

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86569 of 2019

Arising Out of PS. Case No.-53 Year-2018 Thana- MAHILA P.S. District- Bhagalpur

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GULFARAJ ANSARI @ GULFARAJ HAFIZ @ MD. GULFARAJ S/o Late Enamulla @ Md. Mohibullah Resident of Village- Khilafat Nagar, Shahjangi, P.S.- Habibpur, District- Bhagalpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ranjan Kumar Sinha, Adv.

For the Opposite Party/s : Mr. Anil Kumar Singh No. 1, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

4 14-07-2020 The Court proceeding has been conducted through virtual mode.

The petitioner has renewed his prayer for bail in a case registered for the offences punishable under Sections 376(3) of the IPC and Section 4 of the POCSO Act, 2012 and Section 47 of the POCSO Act.

The prosecution case, as per the written report of Bibi Ladli, submitted to the SHO, Mahila Police Station, Bhagalpur is to the effect that on 14.9.2018, the informant was going to in-law's house of her sister-in-law (nanad) when the daughter of the informant after seeing the petitioner, started crying. On enquiry, it was found that about fifteen days ago, the petitioner asked her to bring cigarette and confined her in a room and ravished her, leading to the registration of the case.



It is submitted by learned counsel for the petitioner that the FIR has been lodged with inordinate delay. In fact, the informant's side wanted to grab the property of the petitioner and in that background, they assaulted the petitioner brutally, leading to registration of Habibpur P.S. Case No.137 of 2018 with accusation under Sections 147, 148, 149, 323, 307, 120B, 364 of the IPC. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP submits that the accusation is corroborated by the medical opinion and the accusation is specific against the petitioner.

Considering the fact that the accusation is being corroborated by the medical opinion and the victim in her statement under Section 164 of the Cr.P.C. has levelled specific accusation against the petitioner to have ravished her and earlier a bench of this Court rejected the prayer of the petitioner for bail vide Cr Misc. No. 1782 of 2019 as also the fact that the victim has reiterated the accusation in her statement under Section 164 Cr.P.C. coupled with the report of the learned Court below suggesting advance stage of trial, this Court is not inclined to grant bail to the petitioner.



Prayer of the petitioner for bail in connection with Mahila P.S. Case No. 53 of 2018 (G. R. No. 5080 of 2018), pending before the learned Special Judge (POSCO), Bhagalpur is rejected.

However, the learned Court below is expected to conclude the trial within six months of the resumption of the Court proceeding in physical mode.

(Dinesh Kumar Singh, J)

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