

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.13002 of 2021**

Arising Out of PS. Case No.-161 Year-2020 Thana- SHYAMPUR BHATHA District-
Sheohar

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Md. Ekhlakh Ansari @ Md. Iqbal Ansari S/O Md. Samshul Ansari R/O
Village- Phoolkahan, P.O. Dumri Katsari, P.S. Shyampur Bhataha, District-
Sheohar.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Pushpendra Kumar Singh, Advocate
For the Opposite Party/s : Ms.Madhuri Lata, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 16-06-2021 Learned counsel for the petitioner undertakes to

remove all the defects as pointed out by office within four

weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and learned

A.P.P. for the State.

Petitioner, in the present case, is seeking regular bail

in connection with Shyampur Bhataha P.S. Case No. 161 of

2020 registered for the offences punishable under Section 363,

366(A), 120(B), 376 of the Indian Penal Code and Section 4 of

the POCSO Act, 2012.

As per prosecution story, the informant alleged that

the rape was committed with his daughter in the night of

Rakhsha Bandhan in which the petitioner was caught hold but



due to pressure of his community and panchayat he was left free.

Learned counsel for the petitioner submits that from the statement of the victim girl under Section 164 Cr.P.C. itself it would appear that she has not alleged any indecent act against the petitioner, she has stated that on 08.09.2020 she had herself gone to meet the petitioner because her parents wanted to marry her against her will. Learned counsel submits that petitioner is in custody since 09.09.2020 having no criminal antecedent.

Learned A.P.P. for the State has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case wherein it is the submission of learned counsel for the petitioner that from the statement of the victim girl under Section 164 Cr.P.C. itself it would appear that she has not alleged any indecent act against the petitioner, she has stated that on 08.09.2020 she had herself gone to meet the petitioner because her parents wanted to marry her against her will and it is the petitioner who brought the victim girl to the police station with himself, considering the submissions and further that the petitioner has remained in custody in connection with this case since 09.09.2020, investigation against him is complete but the



trial is not likely to be concluded in near future as also that he is hardly aged about 20 years and needs to pursue his study, this court directs release of the petitioner above named on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge – I – cum – Special Judge, Sheohar in connection with Shyampur Bhataha P.S. Case No. 161/2020, subject to the condition as laid down under Section 437 (3) Cr.P.C. as under :

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such person shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal



antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

