

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 16740 of 2021**

Arising Out of PS Case No.-38 Year-2019 Thana- MAHILA PS District- Siwan

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Sonu Kumar @ Sonu Ansari, aged about 23 years, Gender-Male, Son of
Kalam Ansari @ Abdul Kalam Ansari, Resident of Village - Akashi More,
Chotaka Teghara, PS - Maharajganj, District - Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anant Kumar Bhaskar, Advocate

For the State : Mr. Md. Arif, APP

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**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT**

Date : 07-07-2021

The matter has been heard *via* video conferencing.

2. Heard Mr. Anant Kumar Bhaskar, learned counsel for
the petitioner and Mr. Md. Arif, learned Additional Public
Prosecutor (hereinafter referred to as the 'APP') for the State.

3. This is the second attempt for bail by the petitioner as
earlier such prayer of the petitioner was rejected by order dated
08.01.2020 passed in Cr. Misc. No. 83110 of 2019.



4. The petitioner is in custody in connection with Siwan Mahila PS Case No. 38 of 2019 dated 19.06.2019, instituted under Sections 341, 323, 354B and 376D of the Indian Penal Code.

5. As per the FIR, the allegation is that the daughter of the informant was taken to an orchard, assaulted and also raped by the petitioner and three others.

6. Learned counsel for the petitioner submitted that the allegation is totally false as the girl belonged to the same village and further that there is no medical report on record to show that such offence was committed and that is why upon submission of charge-sheet, charge has been framed only under Sections 341, 323 and 354/34 of the Indian Penal Code. Learned counsel drew the attention of the Court to the statement of the victim girl (PW1) before the Court during trial in which she has stated that she had actually meant to state that she was harassed and teased and wrongly it was stated that she was raped. Learned counsel submitted that the petitioner has no criminal antecedent and is in custody since 18.07.2019. It was submitted that similarly situated co-accused namely, Ramesh Manjhi; Raja Kumar and Rahul Kumar, whose prayer for bail was also rejected by order dated 08.01.2020 passed in Cr. Misc. No. 83110 of 2019, have



subsequently been granted bail by order dated 24.02.2021 passed in Cr. Misc. No. 26349 of 2020.

7. Learned APP submitted that the allegation is of having committed rape. However, the statement of the victim herself that she had alleged only harassment and teasing, could not be controverted.

8. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Siwan in Siwan Mahila PS Case No. 38 of 2019, subject to the conditions (i) that one of the bailors shall be a close relative of the petitioner, (ii) that the petitioner and the bailors shall execute bond with regard to good behaviour of the petitioner, and (iii) that the petitioner shall cooperate with the Court/police/prosecution. Any violation of the terms and conditions of the bonds or failure to cooperate shall lead to cancellation of his bail bonds.

9. It shall also be open for the prosecution to bring any violation of the foregoing conditions of bail by the petitioner, to the notice of the Court concerned, which shall take immediate



action on the same after giving opportunity of hearing to the petitioner.

10. The application stands disposed off in the
aforementioned terms.

(Ahsanuddin Amanullah, J.)

P. Kumar

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