

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11090 of 2020

Arising Out of PS. Case No.-1 Year-2020 Thana- MAHILA P.S. District- Kaimur (Bhabua)

KASIM ANSARI Son of Late Sohrab Ansari Resident of Village - Miya-ke-
pure, P.S.- Chainpur, District- Kaimur at Bhabua

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Parwej Khan

For the Opposite Party/s : Mr.Nirmal Kumar Sinha

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 08-02-2021 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is apprehending his arrest in a case registered under Section 376 of the Indian Penal Code and 4 of the POCSO Act.

The prosecution allegation, in short, is that the accused person forcibly entered into the room of the established physical relation with the informant.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner. As per the F.I.R., the alleged occurrence is said to have taken place in one of the rooms of the house where the victim was alone. Whereas in her 164 Cr.P.C. statement, she has



stated that she was not alone rather she was with her mother and the occurrence is said to have taken place in the angan of the house. The place of occurrence as per the F.I.R. and as per 164 Cr.P.C. statement is not the same. Hence, the manner of occurrence cannot be relied upon. The medical examination report of the victim also does not support the allegations made in the F.I.R.

On behalf of the State, it is submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner, above named, in the event of arrest/surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge -1st, Kaimur at Bhabua in connection with Mahila (Bhabua) P.S. Case No. 01 of 2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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