

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1469 of 2021

Arising Out of PS. Case No.-142 Year-2019 Thana- NAUTAN District- West Champaran

Saukat Ansari S/o Late Salim Ansari Resident of Village Khadda Purandarpur,
P.S. Nautan, District - West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey, Adv.

For the Opposite Party/s : APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 02-02-2021 Heard learned counsel for the petitioner and
learned A.P.P for the State through video conferencing.

The petitioner has filed the instant application for grant of regular bail in connection with Nautan P.S. Case no.142 of 2019 registered under sections 376, 511 and 506 of the Indian Penal Code and section 12 of the POCSO Act.

The allegation against the petitioner is of having committed rape on the daughter of the informant.

It is submitted by learned counsel for the petitioner that the petitioner is a 55 year old person who has been falsely implicated in the case. He is in custody since 24.4.2019.

Earlier application for bail of the petitioner was rejected vide order dated 10.12.2019 (Annexure-5) passed in Cr.Misc. no.74717 of 2019 directing the learned Court below to



expedite the trial. It is further submitted that the victim girl who is 7 year old has not been named as a charge sheet witness. The informant who happens to be mother of the victim along with others have been examined and the deposition of the informant in trial has been brought on record as Annexure-2 to the petition. From perusal of the same it would transpire that she has not supported the prosecution allegation and has been declared hostile. The petitioner has no criminal antecedent.

The application for bail is opposed by learned A.P.P. for the State.

Having heard learned counsel for the parties and taking into consideration the submissions made on behalf of the petitioners together with the deposition of the informant-mother of the victim and the petitioner being in custody since 24.4.2019, this Court is inclined to enlarge the petitioner on bail. The petitioner is directed to be enlarged on bail in connection with Nautan P.S. Case no.142 of 2019 on furnishing bail bond of Rs.10,000/ (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District and Session Judge 1st-cum-Special Judge, Bettiah, West Champaran.

However, in view of the fact that the trial in the case



is proceeding, it is directed that the petitioner shall remain physically present in Court on each date of the trial and in case the learned trial Court is of the opinion the trial is being delayed for non-cooperation on the part of the petitioner, the bail bond of the petitioner may be cancelled and he shall be taken into custody till conclusion of the trial.

(Partha Sarthy, J)

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