

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39263 of 2020

Arising Out of PS. Case No.-11 Year-2020 Thana- MAHILA PS District- Gopalganj

Amjad Ansari, Son of Ali Akhtar, R/o Village- Satkothwa, P.S.- Uchkagaon,
District-Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner	:	Mr.Ranjeet Kumar Pandey, Advocate
For the S t a t e	:	Ms. Meena Singh, APP
For the Informant	:	Mr. Shiv Sager Sharma, Advocate

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 03-03-2021 Heard learned counsel for the petitioner and the learned APP for the State as well as the learned counsel for the informant.

The petitioner seeks bail in connection with Gopalganj Mahila P.S. Case No.11 of 2020 for the offence punishable under Sections 376, 511, 385, 457, 506 of the Indian Penal Code.

The informant, who resides at her “*Maikey*”, has stated that the petitioner is a characterless person and used to threaten her that he will take her nude photographs and send it to her husband who is pursuing his livelihood in the Middle East. On 13.06.2020, the petitioner had entered into her house, molested her and torn her clothes in an attempt to commit rape.



Petitioner has allegedly fled away upon an alarm being raised by the informant.

Counsel for the petitioner submits that the petitioner is an uncle of the informant. The falsity of the prosecution case is evident from the delay in lodging of the FIR, i.e., on 16.06.2020, whereas the occurrence has taken place on 13.06.2020. Between the informant's father and the petitioner's father, a partition suit, bearing Partition Suit No.52 of 2018, is pending in the court of Sub-Judge-I, Gopalganj. This subsisting land dispute has led to the petitioner's false implication based on an altercation that took place, whereafter an effort to resolve the same at a "*Panchayati*" has failed. The petitioner continues to be in custody since 16.09.2020.

Learned APP for the State has opposed the prayer for bail. He, however, on going through the case diary is not in a position to deny or dispute that the FIR is belated and that in course of the investigation, the police have found that "*Panchayati*" was conducted, based on an altercation between the petitioner and the informant/family.

Considering the rival submissions, this Court is inclined to allow the petitioner's prayer for bail.

Accordingly, let the petitioner, above named, be



released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned SDJM, Gopalganj, in connection with Gopalganj Mahila P.S. Case No.11 of 2020, subject to the following conditions:

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

This Court would expect that the petitioner's counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

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