

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19070 of 2021

Arising Out of PS. Case No.-133 Year-2019 Thana- NOKHA District- Rohtas

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1. Kasamuddin Ansari, male, aged about 48 years, Son of Hakeem Miyan @ Hakim Ansari.
 2. Hasan Ansari, male, aged about 22 years, Son of Kasamuddin Ansari.
- Both are resident of Nokha, Ward no. 2, P.S. - Nokha, District - Rohtas.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Md. Fazle Karim, Adv.

For the Opposite Party/s : Mr. APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

3 16-02-2022 Heard the counsel for the parties.

The petitioners seek bail in anticipation of their arrest in connection with POCSO Case No. 62 of 2019, arising out of Nokha P.S. Case No. 133 of 2019, instituted for the offences under Sections 376, 314, 304 and 120(B) of the Indian Penal Code and Section 4 of the Protection of Children from Sexual Offences Act, 2012.



The accusation in the F.I.R. is that one Husain Ansari had established physical relation with the daughter of the informant and she became pregnant in the process. When the matter was reported to the family members of aforesaid Husain Ansari, it was agreed upon that Husain Ansari would marry the victim. Later, under deceit, the victim was made to abort and the family members of aforesaid Husain Ansari refused to entertain any negotiation for marrying the victim with Husain Ansari.

It has been urged on behalf of the petitioners that they are the father and brother of aforesaid Husain Ansari.

This Court has been informed that the mother of aforesaid Husain Ansari has been granted anticipatory bail by a Bench of this Court *vide* order dated 03.03.2020 passed in Cr. Misc. No. 8953 of 2020.

It has been submitted that apart from the fact that the petitioners are the father and brother respectively of aforesaid Husain Ansari and that they have not been able to persuade him to marry the victim, they have been made accused in this case.



It has further been submitted that, in fact, the petitioners have been pressurizing aforesaid Husain Ansari to agree to the terms of *Panchayati* wherein it was decided that Husain Ansari shall marry the victim.

However, for his intransigence, the petitioners cannot be held responsible.

Considering the afore-noted background facts, the provisional bail granted to the petitioners *vide* order dated 10.01.2022 is, hereby, confirmed. They shall remain on the same bail bonds.

While passing this order, this Court has also taken note of the fact that the petitioners had not been sent up for trial after the investigation but differing with such police report, cognizance has been taken against them also.

The application stands disposed off accordingly.

(Ashutosh Kumar, J)

Praveen-II/-

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