

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23459 of 2021

Arising Out of PS. Case No.-44 Year-2016 Thana- MAHILA PS District- Gaya

HAIDER ANSARI SON OF MOHAMMAD HASIM ANSARI R/O
VILLAGE- GONNU BIGHA, POLICE STATION- CHANDOUTI, DIST.-
GAYA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kunwar Narayan Jamuar, Adv.

For the Opposite Party/s : Mr. Matloob Rab, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 17-01-2022 Heard learned counsel for the petitioner and the
learned A.P.P. for the State through video conferencing.

The petitioner seeks bail in connection with Gaya
Sadar Mahila P.S. Case No. 44 of 2016 registered for the
offence under Sections 376, 313, 504 and 34 of the Indian
Penal Code and Section 3/4 of the D.P. Act.

It appears from the record that pursuant to the
order dated 19.07.2017 passed in Cr. Misc. No. 30155 of
2017, the petitioner has been granted provisional bail on
06.10.2017 by the court below for performing marriage with
the petitioner but after due course, on submission made by
the counsel for the informant, the learned court below has
refused to confirm the provisional bail of the petitioner.



Accordingly, the petitioner has again before this Court with a prayer for grant of bail.

While considering the prayer for bail of this petitioner, this Court vide order dated 17.11.2021 has called for a report regarding the stage of the trial which has been received and forms part of this application at Flag-R. From perusal of the said report received from A.D.J.-XIII, Gaya, it is apparent that after examination of prosecution witnesses, the case is fixed for examination of defense witnesses for which summon has also been issued on 23.11.2021.

Learned counsel for the informant has vehemently opposed the prayer for bail of the petitioner and submitted that the petitioner in order to avail the privilege of bail has performed marriage with the victim and taken her to her matrimonial home but the petitioner has eloped the victim and she is still trace-less. The parents of informant are of the apprehension that the victim-informant has been killed by the petitioner. Referring to the report received from the trial court, he further submits that the trial of the case is likely to be concluded soon. Therefore, the petitioner may not be enlarge on bail at this stage.

Learned counsel for the petitioner by way of filing



a supplementary affidavit has brought the fact on record that in absence of the petitioner, the victim herself left her matrimonial house and performed marriage to another person for which the petitioner has also lodged a Sanha in the local police station. He has also submitted that no F.I.R. with regard to missing of the victim girl has been lodged by the parents of the victim girl. Hence, the petitioner may be enlarge of bail.

Considering the rival submissions of the parties and the report received from the court below as well as the facts and circumstances of the case, this Court is not inclined to enlarge the petitioner on bail. Accordingly, the prayer for bail of this petitioner is rejected.

(Rajesh Kumar Verma, J)

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