

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16719 of 2022**

Arising Out of PS. Case No.-151 Year-2019 Thana- KHANPURA District- Samastipur

Afroj Ansari Son of Suleman Ansari, R/o Village- Siropatti, P.S.- Khanpur,
District- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md. Hussamuddin Azad

For the Opposite Party/s : Mr.A.G.

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

3 30-08-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Let the defects, as pointed out by the office, be
removed within a period of four weeks from today.

Petitioner seeks bail in a case registered for the
offences punishable under Sections 323, 376, 504 of the Indian
Penal Code.

The allegation against the petitioner is that the
informant, who had initially filed a complaint case, has alleged
that both are neighbours and on 14.09.2019 at 8.00 PM, the
petitioner had come to the house of the complainant and asked
her to accompany him to his house as his mother was ill, but she
refused and thereafter the petitioner is said to have taken
permission from the mother of the complainant, who allowed



her to go. Thereafter, it is alleged that the petitioner on way took her to an orchard and forcibly committed rape and due to cry raised by the informant, passersby came and the petitioner had fled away and she had returned to her house.

Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that the statement of the victim girl was recorded under Section 164 Cr.P.C. but the version of the statement under Section 164 Cr.P.C. and the complaint is different. He further submits that the complaint case has been filed after one month of the alleged occurrence and there is no explanation of delay of filing the complaint case. The petitioner is in custody since 22.12.2021.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner and submits that earlier the petitioner has moved before Hon'ble Court for grant of anticipatory bail in Cr. Misc. No. 37182 of 2020 which was dismissed vide order dated 09.08.2021 in which all the aspects with regard to the Medical Board and statement of the victim girl recorded under Section 164 Cr.P.C. has been examined and after that anticipatory bail application of the petitioner has been dismissed and the allegation as alleged in



the complaint petition and the victim girl in her statement under section 164 Cr.P.C. is fully supported.

Considering the aforesaid facts, I am not inclined to enlarge the petitioner on bail in connection with Khanpur P.S. Case No. 151 of 2019 pending in the court of learned S.D.J.M., Samastipur.

Prayer is refused.

(Rajesh Kumar Verma, J)

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