

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27255 of 2022

Arising Out of PS. Case No.-19 Year-2022 Thana- MAHILA PS District- Buxar

Samasduni Ansari @ Shamsuddin Ansari @ Samsuddin Son Of Sahadat
Ansari R/O- Kathgharava,,P.S.- Buxar Muffasil, Dist.- Buxar, State- Bihar.
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kamlesh Kumar Singh, Advocate
For the Opposite Party/s : Mr. Rabindra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 31-08-2022 Heard learned counsel for the petitioner and the
learned APP for the State.

Let the defect(s) be removed within four weeks of the
complete start of the physical Court in normal course.

The petitioner is in judicial custody in connection
with Buxar Mahila P.S. Case No.19/2022 instituted under
Sections 341,323,354(B) of the Indian Penal Code and Section 8
of the POCSO Act, 2012.

As per the FIR, it is alleged that when the informant's
mother and elder sister were outside home the petitioner barged
into their home in a drunken condition and tried to disrobe the
informant and rape her. Meanwhile, her mother and sister
returned and the accused fled away.

Learned counsel for the petitioner submits that it is
complete exaggerated FIR and is counter blast to the number of



cases that have been lodged by him and his wife which he has brought on record by way of Annexure-2 Series. He further submits that contrary to the allegation made in the FIR, about the occurrence at 7 PM, the CCTV installed at his house clearly shows that between 6.30 to 7.30 PM, he was at his house and was seen carrying a rice bag, and the informant's mother was seen peeping towards their home.

Learned counsel for the petitioner submits that despite this exaggerated FIR in which he has been falsely implicated, he has remained in jail since 02.04.2022 (as stated in para-13 of the bail application).

Considering the aforesaid facts as also that ultimately he has to face the trial, is in custody since 02.04.2022 and charge-sheet stands submitted, this Court is inclined to grant him privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each in connection with Buxar Mahila P.S. Case No.19/2022 to the satisfaction of learned A.D.J.,VI-cum-Special Judge, POCSO Court, Buxar, subject to following conditions:

- (i) one of the bailor should be the family member of



the petitioner, who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reasons will entail cancellation of his bail by the Trial court itself;

(iii) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of his bail bonds;

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

Prakash Narayan /-

U		T	
---	--	---	--

