

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51827 of 2021

Arising Out of PS. Case No.-59 Year-2020 Thana- SAHODARA District- West Champaran

ALLAUDDIN ANSARI @ ALLAUDADAN ANSARI SON OF LATE
MOHAMMAD JAN ANSARI R/O VILLAGE - IMILIYA TOLA, EKWA,
P.S. - SAHODARA, DIST. - WEST CHAMPARAN

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Raj Ballabh Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 21-02-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with
Sahodara P.S. Case No. 59 of 2020 instituted for the offences
under Sections 376(A)(B) of the Indian Penal Code and
Sections 4 and 6 of the Protection of Children from Sexual
Offenses Act, 2012.

Learned counsel for the petitioner submits that the
petitioner is in custody since 27.11.2020, is a person with clean
antecedent and charges have been framed and the petitioner is
aged about 68 years.

Learned counsel for the petitioner further submits that
the informant, namely, Kalam Ansari alleges that his brother
Allauddin Ansari @ Allaudadan Ansari (petitioner) took his



grand-daughter, namely, 'X' (08 years) and 'Y' (03 years) for treatment to the hospital at Narkatiaganj on instruction of the daughter-in-law of the informant. It is further alleged that after treatment when they were returning home, the petitioner made 'Y' sit in a vehicle of a co-villager and told her that he will come with 'X'. It is further alleged that thereafter the petitioner took 'X' to a desolated place and committed sexual assault and threatened the minor that she would be killed if she discloses about the occurrence to anyone.

Learned counsel for the petitioner submits that the petitioner is own brother of the informant and the younger daughter of the informant met with an accident by the tractor of the petitioner. Accordingly, the child was being treated at the hospital at the expense of the petitioner. Further on the date of occurrence also the petitioner had taken both the child to the hospital on instruction of the mother of the minors and thereafter, when he returned home, he came to know that he has been falsely implicated in a case with such a heinous allegation. The learned counsel submits that the petitioner is aged about 68 years and prior to institution of the present case, he was a person with clean antecedent and, all of a sudden, he has been made to look like a beast, who committed sexual assault on a minor child



of eight years that too, his own niece.

Learned counsel for the petitioner further submits that the informant was having dispute with the petitioner and his family members as a result of which the daughter-in-law of the informant always requested the petitioner to take care of the children and on that date also on her request, he had taken them to hospital. Learned counsel further submits that even the medical report does not corroborate sexual assault which further goes to show that the informant for some ulterior motive falsely implicated his own elder brother. Learned counsel further submits that even the victim in her deposition before the learned court below in trial has accepted that she was tutored by her parents and she has also stated that there was no injury on her person. Learned counsel further submits that from perusal of the allegation as alleged in the FIR it would also manifest that the informant on his own instituted the FIR as there is nothing in the FIR to even remotely suggest that the victim had disclosed the fact to the informant that she has been violated by the petitioner which further demonstrates that the informant for some ulterior reason was trying to falsely implicate his own elder brother.

Learned A.P.P. for the State vehemently opposes the prayer for regular bail of the petitioner.



Considering the fact that the petitioner is in custody, is a person with clean antecedent, is aged about 68 years, the medical report does not corroborate the sexual assault nor the victim in her deposition in the trial has supported the prosecution case rather has stated that there is no injury on the person of the victim, let the petitioner above named be released on bail on furnishing bail bond of Rs.5,000/- (Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge-VII-cum-Special Judge, POCSO, Bettiah, West Champaran in connection with Sahodara P.S. Case No. 59 of 2020.

(Satyavrat Verma, J)

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