

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58073 of 2021

Arising Out of PS. Case No.-808 Year-2019 Thana- DEHRI TOWN District- Rohtas

Isarar Ansari @ Raja, Son of Yunus Ansari Resident of Bhassaha Bastipur
Chauk, P.S. - Indrapuri, District - Rohtas.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arabind Nath Pandey, Advocate

For the Opposite Party/s : Mr. Satyendra Narayan Singh, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 18-05-2022 Learned counsel for the petitioner is permitted to remove defect(s), as pointed out by the office, if any, within a period of four weeks from today.

Heard learned counsel for the petitioner as well as learned APP for the State.

The petitioner seeks regular bail, who is in custody in connection with POCSO Case No. 38 of 2021 arising out of Dehari Town (Indrapuri O.P.) P.S. Case No. 808 of 2019 for the offences punishable under Sections 302, 120(B), 34 of the Indian Penal Code and Section 4 of the POCSO Act.

As per the prosecution case it is alleged that on 16.11.2019 there was a marriage of the daughter of Monak Ansari and the informant went along with his family, including his son namely Farhan Obaidin aged about 8 years, to attend the marriage. It is alleged that at about 12 pm when all the family members after attending marriage ceremony reached home thereupon the wife of the informant informed that his son has not reached home. Thereafter, all the persons started searching



the son of the informant. Later on at 7 am on 17.11.2019 the dead body of his son was found in a newly constructed house.

It is submitted on behalf of the learned counsel for the petitioner that the name of the petitioner has implicated in this case on mere suspicion as the son of the informant was acquainted to this petitioner and used to spend time together. It is further submitted that the police apprehended this petitioner on suspicion and thereafter his self-confession was recorded by the police and thereafter his name transpired in the present case, which is not admissible in the eyes of law. It is also submitted that during the course of investigation none of the witnesses has come forward and stated that the deceased was even last seen with this petitioner and moreover the investigation has already been completed and the charge-sheet has already been submitted. However, this petitioner is in custody since 22.11.2019.

On the other hand learned APP for the State opposes the bail application and submits that this is a case of gruesome murder of a boy aged about 8 years after committing unnatural, immoral act and further the circumstantial evidence suggests the complicity of this petitioner.

Having considered the submissions made on behalf of parties and taking into consideration the fact that there is no eye witness to the alleged occurrence and the name of the petitioner is transpired in his own confessional statement made before the police. Further, the other witnesses whose statement has been recorded under Section 164 Cr.P.C. they have also not disclosed with regard to active participation of this petitioner and moreover this petitioner is in custody since 22.11.2019, having clean antecedent and except the suspicion



there is no other material available on record against the petitioner, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of Additional District & Sessions Judge VII-cum-Exclusive Special Court (POCSO), Rohtas at Sasaram in connection with POCSO Case No. 38 of 2021 corresponding to Indrapuri O.P. (Dehari Town) P.S. Case No. 808 of 2019 with the following conditions:

(a) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court below and shall remain physically present as directed by the Court below and in case of his absence on two consecutive dates without any cogent reason, his bail bond shall be cancelled by the Court below.

(b) If the petitioner tampers with the evidence or the witnesses, in that case the prosecution will be at liberty to move for cancellation of bail.

(Harish Kumar, J)

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