

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58588 of 2021

Arising Out of PS. Case No.-81 Year-2021 Thana- DAWATH District- Rohtas

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1. MUMTAZ ANSARI Son of Late Kasabu Ansari @ Kasabu Resident of Village - Sahinav, P.S.- Dawath, Distt.- Rohtas.
 2. LAILA KHATOON W/o Mumtaz Ansari Resident of Village - Sahinav, P.S.- Dawath, Distt.- Rohtas.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajani Kant Singh, Advocate

For the Opposite Party/s : Mr. Ram Naresh Ray, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 04-04-2022 Heard learned counsel for the petitioners and
learned APP for the State.

Learned counsel for the petitioners is directed to remove the defect(s), as pointed out by the office, within a period of four weeks.

At the outset, learned counsel for the petitioners seeks permission to withdraw this application with regard to petitioner No. 2 as during pendency of this application, she has been taken into judicial custody.

Permission is granted.

Accordingly, this application with regard to petitioner No. 2 is dismissed as withdrawn.



The petitioner No. 1 is apprehending his arrest in a case registered under Sections 376, 312 & 506 of the Indian Penal Code and 4/8 of POCSO Act.

Allegedly, on the pretext of marriage, the co-accused Imteyaz Ansari committed rape upon the victim.

It has been submitted on behalf of the petitioner No. 1 that there is no allegation of tampering of witnesses alleged against him. On the pretext of marriage, the co-accused Imteyaz Ansari is said to have committed rape upon the victim. Subsequently, the marriage could not be solemnized between the co-accused and the victim. The physical relationship was consensual relationship between the parties. The petitioner No. 1 has been made accused only for the reason that he happens to be the father of co-accused Imteyaz Ansari. He has placed reliance on cases of the Hon'ble Supreme Court since reported in 2019 SCC Online SC-3100 (*Dr. Dhruvaram Murlidhar Sonar versus The State of Maharashtra & Ors.*) and (2019) 9 SCC 608 (*Pramod Suryabhan Pawar vs. The State of Maharashtra and Ors.*)

On behalf of the State, it is submitted that the petitioner No. 1 is named in the Complaint Case/F.I.R.

Considering the aforesaid facts and circumstances of the case, the petitioner No. 1, above named, in the event of arrest or



surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount to the satisfaction of learned Additional District & Sessions Judge-VII, Rohtas at Sasaram in connection with Dawath P.S. Case No. 81 of 2021 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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