

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2712 of 2023

Arising Out of PS. Case No.-132 Year-2022 Thana- KANHAULI District- Sitamarhi

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Mainul Ansari S/O Late Matin Ansari @ Matim Ansari Resident Of Village-
Itharwa Dularpur, P.S.- Kanhauli, District- Sitamarhi, Pin Code- 843332
(Bihar). (Wrongly Mentioned In The F.I.R. As 58 Years).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Uday Kumar

For the Opposite Party/s : Mr.Syed Mojibur Rahman

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 03-04-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has filed the instant application for grant of regular bail in connection with Kanhauli P.S. Case No. 132 of 2022 registered under sections 341, 323, 376, 511, 504 and 34 of the Indian Penal Code and Section 8 of the POCSO Act.

The prosecution case, in short, is that the informant was sleeping in her house and her mother had gone to scarp grass, in the meantime, the petitioner aged about 88 years entered her room and began molesting her and tried to commit rape. When the informant protested, her mother came back and she also raised alarm whereupon the petitioner fled from there. When the informant along with her mother went to the house of



petitioner for complaining about the matter, all the accused persons assaulted them by means of fists, slaps and legs and threatened them of dire consequences.

Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He has falsely been implicated in this case. It is further submitted that the alleged occurrence took place on 23.08.2022 whereas the written statement has been submitted on 02.09.2022 and the FIR has been submitted on 03.09.2022 without explaining the plausible reason of such inordinate delay. There is no any independent witness came forward to support the prosecution case. It is further submitted that the petitioner is an old man aged about 88 years. It is also submitted that the mother of the informant took Rs. of 3,000/- from the petitioner for treatment of her son with a promise to return the same within 2 months and when after lapse of stipulated period, when the petitioner demanded his money back, then the present frivolous case has been registered against the petitioner. A statement has been made in para-3 of this petition that the petitioner has got no criminal antecedent. He is languishing in judicial custody since 15.11.2022.

The application for bail is opposed by learned APP for



the State.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case as well as the custody of the petitioner, the Court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail in connection with Kanhauli P.S. Case No. 132 of 2022 on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge VI-cum-Special Judge (POCSO Act), Sitamarhi.

(Sunil Kumar Panwar, J)

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