

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14714 of 2023

Arising Out of PS. Case No.-231 Year-2022 Thana- BATHNAHA District- Sitamarhi

1. SAIF ALI ANSARI @ SHAIK ALI ANSARI S/O MUSTAFA ANSARI
Resident of Village- Kamaldah, P.S.- Bathnaha, District- Sitamarhi.
2. SAHID ANSARI @ SAHID ALI ANSARI S/O MUSTAFA ANSARI
Resident of Village- Kamaldah, P.S.- Bathnaha, District- Sitamarhi.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashhar Mustafa, Advocate

For the Opposite Party/s : Mr. Aditya Narayan Singh.1, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 23-05-2023 Heard learned counsel for the petitioners and the learned
APP for the State.

The petitioners are apprehending their arrest in connection with Bathnaha P.S. Case No. 231/2022 registered for the offence punishable under Sections 363, 366(A) read with section 34 of the Indian Penal Code (for brevity 'IPC') and Section 8 of the Protection of Children from Sexual Offences Act (for brevity 'POCSO').

As per prosecution case, based on written report, the informant's minor daughter, allegedly 16 years old, was intercepted by the petitioners along with some others and taken away in a four wheeler vehicle. The First Information Report



(for brevity 'FIR') has been lodged, raising apprehension that the daughter of the informant may be killed or forced into immoral traffic.

Learned counsel for the petitioners submits that from the order, allowing prayer for bail on behalf of the father of the petitioners, it is apparent that when the victim was examined and her statement recorded under Section 164 of the Code of Criminal Procedure (fore brevity 'Cr.P.C.'), she had stated about her intimate relationship with Sahid Ansari (petitioner No. 2) and also the fact that her parents have agreed for the marriage with petitioner No. 2. The Court, has also considered the date of birth and medical report, subsequent to examination of the victim, based on which, it has found victim to be a major, in the order of rejection, dated 05.01.2023. With respect to the instant petitioners, compromise has also been taken note of by the learned Additional Sessions Judge VI-cum-Special Judge (POCSO Act). Considering the same circumstance, father's prayer for bail has been allowed (Annexure- 5). The petitioners are full brother and stand implicated in the above circumstances. They have no criminal antecedents. By now, the marriage of the alleged victim has also been performed, with petitioner no. 2, as per submissions of the petitioners' counsel.



Learned APP for the State has opposed the prayer for anticipatory bail.

Having regard to the submissions advanced by the petitioners' counsel relying on the order of learned court below taking note of consideration of the fact of compromise, and clean antecedents of the petitioners', this Court is inclined to allow petitioners' prayer for grant of anticipatory bail.

Accordingly, let the petitioners, above named, in the event of their arrest or surrender before the court below within a period of four weeks from today, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge VI -cum- Special Judge (POCSO Act) in connection with Bathnaha P.S. Case No. 231 of 2022, subject to the following conditions:

(i) That one of the bailors of each of the petitioners will be a close relative of the petitioners who will give an affidavit giving genealogy as to how he is related with the petitioners concerned. The bailors will also undertake to inform the court if there is any change in the address of the petitioners.



(ii) That the petitioners will be well represented on each date and if they fail to do so on two consecutive dates, their bail bonds will be liable to be cancelled.

(Madhuresh Prasad, J)

Raj kishore/-

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