

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.438 of 2022

Arising Out of PS. Case No.-151 Year-2020 Thana- JHAJHA District- Jamui

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1. Shahil Ansari S/o Zakir Ansari R/o village- Ramdih, P.S.- Jhajha, District- Jamui.
 2. Irshad Ansari S/o Kalam Ansari R/o village- Ramdih, P.S.- Jhajha, District- Jamui.
 3. Nawab Ansari, Son of Jahuri Ansari, Resident of Village- Ramdih, P.S.- Jhajha, District- Jamui

... .. Petitioners

Versus

1. The State of Bihar.
2. Nushrat Praveen, D/O Mahmood Alam, R/o village- Ramdih, P.S.- Jhajha, District- Jamui

... .. Respondents

Appearance :

For the Petitioners	:	Mr. Abdul Mannan Khan, Advocate
For the State	:	Mr. Sanjay Kumar Singh, APP
For the Resp No. 2	:	Mr. Sanjay Kumar Mishra, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

5 09-10-2023 Learned counsel for the petitioners submits that petitioner no. 1 has already been arrested, hence, this application on his behalf has become infructuous.

2. So far as petitioner no. 3 is concerned, his application has already been withdrawn, hence, now this case survives only in respect of petitioner no. 2, namely, Irshad Ansari.

3. Heard learned counsel for petitioner no. 2, learned counsel for the informant and learned APP for the State.

4. Petitioner in this case is aggrieved by and dissatisfied with the order dated 15.02.2022 passed by learned



A.D.J. 1st Jamui in Jhajha P.S. Case No. 151 of 2020 whereby and whereunder the learned court has been pleased to cancel the anticipatory bail granted to the petitioner.

5. Learned counsel for the petitioner submits that from the order dated 15.02.2022, it would appear that the learned court had called for a report from the Cyber Cell, Jamui regarding the authenticity of the audio recording and the source of the Facebook page on which objectionable threatening were posted by the accused but no such report was made available to the learned court. It is submitted that in such circumstance, in absence of the report called for, the learned court is not justified in cancelling the privilege of pre-arrest bail to the petitioner.

6. On the other hand, learned counsel for the informant submits that this petitioner was granted anticipatory bail on 27.08.2021 in connection with Jhajha P.S. Case No. 151 of 2020 registered under Section 376 of the Indian Penal Code and Section 4 of the Protection of Children from Sexual Offences Act. Referring to the application filed on behalf of the informant seeking cancellation of bail of the accused, learned counsel submits that all the accused persons of this case, after furnishing their bail bonds in the learned court below came to the house of the informant, threatened and abused to withdraw



the case. They were threatening the informant's side in militant style. In this connection, brother of the informant gave an application to Jhajha Police Station but the same was not accepted by the S.H.O who directed the brother of the informant to file appropriate petition in the concerned court where the case is pending.

7. This Court has heard learned counsel for the parties and perused the records.

8. As per the prosecution story, on 30.05.2020 at about 08:00 P.M. when the informant went for defecating along with her mother and was coming back, the co-accused and the petitioner got hold of her and took her to *kabristan* where the co-accused committed rape on her whereas this petitioner and another co-accused were standing there.

9. It appears on perusal of the impugned order that the learned court had occasion to hear the audio recording which was played in the learned court. The audio recording has been found highly derogatory and it shows high-handedness on the part of the accused persons. The Public Prosecutor has also supported the case of the informant who was personally present in the learned court and narrated her audios to the court.

10. In such circumstance, this Court finds no fault with the order cancelling anticipatory bail of the petitioner.



11. This application has no merit. It is dismissed accordingly.

12. If the petitioner has still not surrendered, he must surrender without losing any time.

13. If the petitioner surrenders and prays for regular bail, his prayer for regular bail shall be considered on its own merit without being prejudiced by the order of this Court.

14. This application is dismissed.

(Rajeev Ranjan Prasad, J)

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