

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29419 of 2023

Arising Out of PS. Case No.-153 Year-2021 Thana- RAGHOPUR District- Supaul

MD. AASHIF @ MD. AASHIPH SON OF ISAMAIL ANSHARI Resident of
village - Sakhua, P.S. - Pipra, Distt. - Supaul

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr .Raj Kishore Prasad
For the Opposite Party/s : Mr. Binod Kumar

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

3 17-05-2023 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 on resumption of physical mode.

Heard learned counsel for the petitioner and learned
A.P.P for the State.

The petitioner has preferred this application for grant
of regular bail in POCSO case No. 51 of 2021 arising out of
Raghopur P.S. Case No. 153 of 2021 dated 17.06.2021
registered for the offences punishable under sections 363, 366A,
376(3) read with section 34 of the Indian Penal Code and
section 4/6 of POCSO Act.

As per the prosecution case, the petitioner and the co-
accused persons are alleged to have kidnapped the daughter of



the informant forcefully when the daughter of the informant had gone to buy biscuits from a nearby shop.

Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. Learned counsel has submitted that as per the medical report of the victim, there is no injury present on any part of her body and the doctor has also opined that no any confirmatory evidence of rape is present. The allegation of sexual assault levelled against the petitioner is not consistent with the medical report of the victim. The petitioner has clean antecedent as stated in para 3 of the bail petition. The petitioner is in custody since 18.06.2021.

Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner by submitting that the prayer of bail of the petitioner has already been rejected by this Hon'ble Court *vide* order dated 27.07.2022 passed in Cr. Misc. No. 8441 of 2022.

Considering the aforesaid facts and circumstances of the case as well as the period of custody and the medical report, the petitioner above-named, is directed to be enlarged on bail on furnishing bail-bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of



learned Court concerned, Supaul in connection with POCSO case no. 51 of 2021 arising out of Raghopur P.S. Case No. 153 of 2021, with the condition:-

1. The petitioner is directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bonds of the petitioner is liable to be cancelled.

The application stands allowed.

(Chandra Prakash Singh, J)

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