

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30788 of 2023

Arising Out of PS. Case No.-24 Year-2021 Thana- DARBHANGA District- Darbhanga

EJAZ ANSARI @ EJAZ AHMAD SON OF MD. NESAR @ NESAR
AHMAD RESIDENT OF MOHALLA - BAJITPUR, WARD NO.23, NEAR
MIDDLE SCHOOL, P.S. - TOWN, DISTRICT - DARBHANGA

... .. Petitioner/s

Versus

THE STATE OF BIHAR , PATNA

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajesh Kumar Jha, Adv.

For the Opposite Party/s : Mr.Shyameshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 21-09-2023 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

The petitioner seeks bail in connection with Town
P.S. Case No. 24 of 2021 dated 15.01.2021 registered for the
offence under Sections 376, 341 and 506 of the Indian Penal
Code and Sections 4 and 6 of the POCSO Act.

The petitioner is alleged to have established
forceful physical relation with the victim after alluring her
with fear.

Learned counsel appearing for the petitioner
submits that the petitioner is innocent and has falsely been
implicated in this case. He further submits that the
allegation, as alleged in the F.I.R., is false and fabricated and



the petitioner has not committed any offence. He further submits that on bare perusal of the F.I.R., it appears that the petitioner alleged made forceful physical relation with the victim on the false pretext of performing marriage. He further submits that the victim has disclosed that the petitioner has taken her to a hotel where he has committed rape upon her but she has not disclosed the name of the hotel. He further submits that the medical report does not support the allegation as alleged in the F.I.R. against the petitioner as the doctor has not found any sign of recent sexual activity on the person of the victim. He further submits that it is apparent that there is an inordinate and unexplained delay of six days in filing the present F.I.R. creating doubt over the prosecution version. Therefore, no case under Section 376 of the Indian Penal Code is made out against the petitioner. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. The petitioner is rotting in judicial custody since 18.08.2022.

Learned A.P.P. for the State on the basis of material available on record and the case diary vehemently opposed the prayer for bail of the petitioner and submits that the



there is sufficient material available on record to suggest the involvement of the petitioner in the present case and the statement of the victim recorded under Section 164 Cr.P.C. in which she has clearly stated that the petitioner has committed rape upon her and as per report of the court below, charge has been framed against the petitioner but till date prosecution has not examined any witness as yet. Moreover, the petitioner carries one more case other than the present one.

Considering the facts and circumstances of the case and period of custody, let the, above named, petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, POCSO, Act, Darbhanga in connection with Town P.S. Case No. 24 of 2021 with the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled by the Court below.



(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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