

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32924 of 2022

Arising Out of PS. Case No.-118 Year-2020 Thana- KATORIYA District- Banka

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Tabarak Ansari Son Of Molu Ansari Resident Of Village - Jugli Rai Kura,
Police Station- Katoriya, District- Banka.

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ajay Mukherjee

For the Opposite Party/s : Mr.Indu Kumari Srivastava

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

4 21-02-2023 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 a case registered for the offences punishable under Section 376 of the Indian Penal Code and Section 4/8 of POCSO Act.

The prosecution case in nutshell is that petitioner made physical relation with the informant on the pretext of marriage and she became pregnant from him. It is also alleged that later the petitioner denied to solemnize marriage with the informant.

It is submitted by learned counsel for the



petitioner that the petitioner is innocent and he has falsely been implicated in the present case. From the perusal of the F.I.R, it is evident that the physical relation has been established with consent of the informant. However, in her statement, recorded under Section 164 of Cr.P.C., she has stated that petitioner has made physical relation with her on the pretext of marriage. But, from the perusal of the Deposition(annexed as Supplementary Affidavit), it is apparent that in the trial the victim has not whispered about the complicity of the petitioner in the alleged offence. Other witnesses have also not supported the prosecution version of the case during the trial. Moreover, the petitioner is languishing in judicial custody since 25.09.2020. A statement has been made in para 3 of the petition that petitioner has no criminal antecedent.

Learned APP appearing for the State has vehemently opposed the prayer for Bail.

Having heard learned counsel for the parties



and taking into consideration the facts and circumstances of the case, this Court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail in connection with Katoria P.S. Case No. 118 of 2020 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), Banka.

(Sunil Kumar Panwar, J)

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