

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44790 of 2022

Arising Out of PS. Case No.-86 Year-2022 Thana- MAJHAULIA District- West Champaran

Tufan Ansari @ Toofan Ansari S/O Jhur Ansari @ Zubar Ansari Resident Of
Village- Majhariya Shekh, P.S.- Majhulia, District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Umesh Kumar Gupta

For the Opposite Party/s : Mr. Murli Dhar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 09-01-2023 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 Sections 366(A), 363/34 of the Indian Penal Code and Section 8 of POCSO Act.

The prosecution case in nutshell is that earlier a case was registered in Majhauriya P.S. Case No. 712 of 2021 for the abduction of the victim girl for the purpose of solemnization of marriage by the petitioner and co-accused persons, in which action was taken and the police recovered the victim girl. On 13.01.2022,



petitioner along with co-accused persons, forcibly took away the victim girl by putting her in a Bolero Car and also threatened the informant of dire consequence if informed the police about the occurrence.

It is submitted by learned counsel for the petitioner that the petitioner is innocent and he has falsely been implicated in the present case. It is also submitted that petitioner is languishing in judicial custody since 24.06.2022. It is also submitted that victim has not stated against the petitioner and she has whispered that the petitioner was helping the victim in coming to her home. It is further submitted that victim girl is in love with co-accused, Aslam Ansari and earlier also she had flee away with him, for which Majhauria P.S. Case No. 712 of 2021 has instituted, for which the petitioner was also made accused and after investigation, the police found no involvement of the petitioner. In the medical examination of the victim girl, doctor has not find any evidence of any assault and sexual assault on



the victim. The petitioner has no concern with the Bolero vehicle used in the alleged occurrence. A statement has been made in para 3 of the petition that petitioner has no criminal antecedent. It is further submitted that similarly situated co-accused has been granted anticipatory Bail vide order dated 06.12.2022, in Cr. Misc. No. 39106 of 2022 by the co-ordinate Bench of this Court.

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 Majhaulia P.S. Case No. 86 of 2022 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 Special Judge POCSO-cum-Additional



District Judge VIth, West Champaran, Bettiah.

(Sunil Kumar Panwar, J)

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