

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49125 of 2023

Arising Out of PS. Case No.-441 Year-2021 Thana- DHAKA District- East Champaran

MAKBUL ANSARI Son of Gafur Ansari Resident of village - Karamwa, P.S.
- Dhaka, Distt. - East Champaran at Motihari

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Utkarsha Utpal

For the Opposite Party/s : Mr.Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 01-09-2023 'Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with P. Tr.
No. 116 of 2021 (arising out of Dhaka P.S. Case No. 441 of 2021)
registered for the offences punishable under Section 376(3) of the
I.P.C., Sections 6 and 10 of the POCSO Act and Sections 3(i)(r)(w),
3(2)(v) of the Schedule Caste / Schedule Tribe (Prevention of
Atrocities) Act.

3. As per prosecution case, informant happens to be the
mother of victim and it is alleged that the petitioner kidnapped the
victim forcibly who is minor and petitioner took the victim to field
where he committed rape.

4. Learned counsel for the petitioner submits that on
20.09.2022 the bail of the present petitioner has already been rejected
by this Court Vide Cr. Misc. 66769 of 2021. He further submits that



petitioner is in custody since 06.09.2021 and bears no criminal antecedent. He further submits that petitioner has falsely been implicated in the case due to dirty village politics and he has not committed any offence as alleged in the F.I.R.

5. The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner and submits that earlier bail prayer of the petitioner has been rejected on merit vide order dated 20.09.2022 passed in Cr. Misc. No. 66769 of 2021. Learned A.P.P. further submits that there is specific allegation against the petitioner and the same is supported and corroborated by Statement of victim recorded under Section 164 of Cr.P.C.

6. A report regarding stage of trial has been called for vide order dated 02.08.2023. The trial court vide letter no. 518 dated 16.08.2023 has sent its report in which it has been mentioned that the trial is presently at the stage of prosecution evidence. The aforesaid report further reveals that the trial of this case is likely to be concluded within four months.

7. Considering the facts and circumstances of the case, particularly keeping in view that earlier bail prayer of the petitioner has been rejected on merit as well as report of the trial court, I am not inclined to grant bail to the petitioner. Accordingly, the prayer for bail of the petitioner is hereby rejected.

8. However, trial court is directed to conclude the trial within four months from the date of receipt/production of copy of



this order. If the trial is not concluded within the stipulated period of four months, petitioner may renew the prayer for bail.

(Alok Kumar Pandey, J)

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