

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49922 of 2023

Arising Out of PS. Case No.-235 Year-2023 Thana- RAXAUL District- East Champaran

1. INAMUL ANSARI @ INAMUL HAQUE Son of Sheikh Anwarul Haque
Resident of village - Bela, P.s. - Ramgarhwa, Distt. - West Champaran
2. Sanjeet Kumar Son of Suresh Prasad Singh Resident of village - Navada
Bahpura (Daulatpur Simari) (Daulatpuri Simri), P.s. - Bihata, Distt. - Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Singh, Advocate
For the Opposite Party/s : Mrs.Usha Kumari 1, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 09-10-2023 Heard Mr.Ajay Kumar Singh, learned counsel for
the petitioners and Mrs.Usha Kumari 1, learned Additional
Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in
connection with Raxaul P.S.Case No.235 of 2023, FIR dated
14.05.2023 registered for the offences punishable under
Sections 323,328,342,370-A,386,376(3),506,34 of the Indian
Penal Code, Sections 4/6 of the PoCSO Act and Sections 3(2)
(va), 3(1)(w)(i)(ii) of the SC/ST (POA) Act.

3. Allegation against the petitioners and other co-
accused persons is that they assaulted the daughter of the
informant and used to have her administered intoxicating



substance and then establish physical relation with her and her friends.

4. Learned counsel for the petitioners submits that petitioner No.1 carries two more cases other than the present one and petitioner No.2 has clean antecedent and they have falsely been implicated in the present case on the ground that petitioner No.1 is Proprietor of the DBR Unique Company and petitioner No.2 is the Salesman of the aforesaid Company and they have not committed any offence as alleged in the FIR. Further submits that the allegation as alleged in the FIR is not supported by the victim and the statement of the victim under Section 164 Cr.P.C. was recorded in which she has not supported the case of the prosecution and medical report also suggests that the petitioners have not committed anything wrong with the victim girl.

5. Learned A.P.P. for the State, on the other hand, has vehemently opposed the prayer for anticipatory bail of the petitioners and submits that there is sufficient material has come during investigation against the petitioners to suggest the involvement of the petitioners in the present occurrence.

6. Considering the aforesaid facts, let the petitioners, above named, in the event of their arrest or



surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs.10,000 (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned 7th Addl. Sessions Judge-cum-Special Judge, POCSO Act, East Champaran, Motihari in connection with Raxaul P.S.Case No.235 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

(I) Petitioners 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 their absence on two consecutive dates without sufficient reason, their bail bonds shall be cancelled by the Court below.

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

(III) And, further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedents, the court below shall



take step for cancellation of bail bond of the petitioners.
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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