

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56743 of 2022

Arising Out of PS. Case No.-588 Year-2021 Thana- SIKARPUR District- West Champaran

Saheb Ansari Son Of Abdul Hakim Ansari R/O Ward No. 03, Vill.- Sitwapur,
Harditarha, P.S.- Shikarpur, Distt.- West Champaran

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Abhay Kumar Roy, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

4 25-04-2023 Heard Mr. Bimlesh Kumar Pandey, learned

Counsel appearing on behalf of the petitioner and Mr.

Abhay Kumar Roy, learned A.P.P. appearing on behalf

of the State.

2. The petitioner seeks pre-arrest bail in connection with Shikarpur P.S. case No. 588 of 2021 registered under Sections 376/34 of the Indian Penal Code and Section 4/6 of POCSO Act.

3. The prosecution story, in brief, is that informant, who is the victim, has made a specific allegation against one co-accused Azad Ansari that he forcibly committed rape on her. No specific allegation has been made against the petitioner.



4. Learned Counsel appearing on behalf of the petitioner informs this Court that the co-accused namely, Azad Ansari against whom the allegation of rape is levelled by the informant, has already been acquitted by the Court below in connection with Shikarpur P.S. case No. 588 of 2021. No specific allegation of rape or even outraging the modesty of the victim has been levelled against the petitioner. The petitioner being innocent seeks to be released on pre-arrest bail.

5. Learned A.P.P. appearing on behalf of the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Having heard the rival submission of the parties as well as having perused the allegation made in the F.I.R. and the statement of victim recorded under Section 164 of the Cr.P.C., the informant who is the victim has not made any specific allegation against the petitioner of rape or indulgence in any illegal act with the victim. The specific allegation of rape is against co-



accused namely, Azad Ansari and the said co-accused has already been acquitted by the Court below in connection with Shikarpur P.S. case No. 588 of 2021.

7. In above view of the matter, the petitioner has made out a case to be released on anticipatory bail.

8. Court below is directed to release the petitioner on anticipatory bail, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each, to the satisfaction of learned Additional District and Sessions Judge 7th cum Special (POCSO) Judge, Bettiah, West Champaran in connection with Shikarpur P.S. Case No. 588 of 2021, subject to the condition as laid down under Section 438(2) of the Cr.P.C

(Purnendu Singh, J)

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