

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62081 of 2023

Arising Out of PS. Case No.-291 Year-2022 Thana- RANIGANJ District- Araria

1. Md. Hasib Ansari @ Hasib Ansari S/O Late Bhola Ansari R/O Village- Jagta Kharsahi, Ward No.-08, Panchayat- Jagta, P.S- Raniganj, Distt.- Araria, Pin- 854334, Bihar.
2. Md. Jamal @ Jamal @ Md. Jamal Ansari S/O Md. Insar Ansari R/O Village- Jagta Kharsahi, Ward No.-08, Panchayat- Jagta, P.S- Raniganj, Distt.- Araria, Pin- 854334, Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kumar Prabhakar, Advocate
For the Opposite Party/s : Mr. Dr. Indiwari Kumari, A.P.P.

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 16-10-2023 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners apprehend arrest in connection with Raniganj P.S. Case No. 291 of 2022 dated 21.08.2022, instituted for the offence punishable under Sections 376, 323, 504/34 of the Indian Penal Code and Section 4/6 of POCSO Act, 2012.

3. The prosecution case, in short, is that informant has alleged that on 02.08.2022, one named accused Arif Ansari entered into the kitchen of her house and dragged her daughter from the kitchen to room and when she shouted, the accused tied her mouth with cloth and forcibly made physical relation



with her, who is said to be physically challenged. After occurrence the said accused, namely, Arif Ansari threatened to kill her if she discloses the said incident to anyone.

4. Learned counsel for the petitioners submits that the petitioners are innocent and they have been falsely implicated in this case. It is further submitted that main allegation of rape and POCSO Act is against one Arif Ansari, who is the nephew of the petitioners. The allegation in the F.I.R. is in two parts, first part is about rape committed by Arif Ansari and second part is with regard to assault when the parents of the victim girl went to the house of Arif Ansari. There is neither any specific allegation against the petitioners nor any indirect allegation against the petitioners for commission of rape of minor victim girl. Lastly, it has been submitted that they have no criminal antecedents.

5. Learned A.P.P. has opposed the prayer for bail of the petitioners.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioners in connection with Raniganj P.S. Case No. 291 of 2022, they shall be released on anticipatory bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to



the satisfaction of the learned Court of Additional Sessions Judge-VI-cum-Special Judge, POCSO, Araria, subject to condition as laid down under Section 438(2) of the Cr.P.C..

(Khatim Reza, J)

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