

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63103 of 2022

Arising Out of PS. Case No.-70 Year-2021 Thana- HARLAKHI District- Madhubani

1. Rizwan Ansari @ Md. Rizwan @ Md. Rizvan Ansari Son of Tahir Ansari
R/O Vill- Kasera, P.S- Harlakhi, Distt- Madhubani
2. Chottu Kamat S/O Sonu Kamat R/O Vill- Kasera, P.S- Harlakhi, Distt-
Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ratanakar Jha, Advocate

For the Opposite Party/s : Mr. Uday Chand Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 23-06-2023 Heard learned counsel for the petitioners and
learned APP for the State.

Petitioners seek bail, who are in custody since 13.03.2021 in connection with Harlakhi P.S. Case No. 70 of 2021, corresponding to G.R. No. 25 of 2021, F.I.R. dated 12.03.2021 registered for the offences punishable under Sections 376, 511/34 of the Indian Penal Code, Section 4/6 of the POCSO Act and 66 of the Information Technology Act but the police has submitted chargesheet under Section 342/34, 354(B)/34, 376(AB)/34, 509/34 of the Indian Penal Code, Sections 67, 67(A), 67(B) of the Information Technology Act and Sections 4, 6, 10, 17 of the POCSO Act.



As per prosecution, it is alleged that on 12.03.2021, at about 4:00 P.M. while the informant along with her sister-in-law were going in field for cutting grass, in the meantime, four persons including the petitioner surrounded her sister-in-law and started misbehaving and also untied her garments. It is also alleged that all of them tried to commit rape upon her. On hulla, the villagers came there and on noticing them the accused persons tried to flee away. However, co-accused Afroj Ansari was caught by the villagers and he disclosed the name of other accused persons.

Learned counsel for the petitioners submits that the petitioners have clean antecedents and they have been falsely implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioners have not committed any offence as alleged in the F.I.R. and the name of the petitioners has come during investigation on the basis of the disclosure made by co-accused persons namely Afroj Ansari. He further submits that co-accused Sarfroj Ansari and Afroj Ansari have been granted bail by a Coordinate Bench of this Court vide orders dated 25.08.2022 and 13.09.2022 passed in Cr. Misc. Nos. 54139 of 2021 and 56166 of 2021 respectively.



Vide order dated 11.04.2023, a report was called for with regard to the stage of the trial. Report dated 17.04.2023 of the learned Trial court reveals that altogether ten prosecution witnesses have already been examined and the case is fixed for the statement of the accused persons under Section 313 of the Cr. P.C.

Considering the aforesaid facts and in view of the report of the learned Trial court, I am not inclined to enlarge the petitioners on bail in connection with Harlakhi P.S. Case No. 70 of 2021 pending in the Court of learned Additional District Judge-VII-cum-Special Judge (POCSO), Civil Court, Madhubani.

Prayer is refused.

However, the learned Trial court is directed to expedite the trial and conclude the same at the earliest.

(Rajesh Kumar Verma, J)

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