

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65138 of 2023

Arising Out of PS. Case No.-14 Year-2023 Thana- MAHILA P.S District- West Champaran

Mujahid Ansari @ Mojahid Ansari, S/o Bhola Ansari, R/o Vill - Manpur
Makari, P.S. - Bathwaria, Distt. - West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Milind Kumar Mishra, Advocate

For the Opposite Party/s : Mr.Nawal Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 06-12-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with Bagaha Mahila P.S. Case No.14/2023, lodged on 27.03.2023 under Sections 376, 313, 323, 504, 34 of the Indian Penal Code and Section 4 of the Protection of Children from Sexual Offences Act, 2012.

3. As per the prosecution case, the FIR has been lodged against 13 named accused persons including the petitioner alleging therein that the petitioner on the pretext of marriage established physical relationship with the informant, but subsequently denied performing marriage with the informant.

4. Learned counsel for the petitioner submits that the



petitioner is innocent and has committed no offence. The petitioner and the informant both are from the same ancestor and in the year 2022, a family dispute took place between them, as a result of which, case and counter case has been lodged being Choutarwa (Bathwariya) P.S. Case No. 188/2022 and Choutarwa (Bathwariya) P.S. Case No. 189/2022. He further submits that since the dispute continues, the matter could not be settled. Therefore, with a view to create pressure, this false case has been lodged. In paragraphs 37 and 38 of the case diary, it has come that the petitioner and the informant are in a love affair, but subsequently, for a petty reason, the marriage could not be solemnized. It is further submitted that the medical examination report of the victim also suggests that the doctor has not found any evidence of recent sexual assault. For the occurrence of 09.02.2023, the FIR has been lodged on 27.03.2023. Apart from the present case, the petitioner is accused in one more criminal case, but in that case, he has been granted bail. The petitioner is in custody since 29.04.2023.

5. Learned APP for the State opposes the prayer for bail of the petitioner.

6. Learned counsel for the informant vehemently opposes the prayer for bail of the petitioner and submits that the



present case has been filed with an allegation of committing rape upon the informant by the petitioner.

7. Upon specific query from the counsel for the petitioner whether the charge has been framed or not, the learned counsel for the petitioner submits that he is not aware of the fact whether the charge has been framed or not.

8. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be released on bail, **but only after framing of charge**, on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge, VII-cum-Special Judge POCSO, West Champaran, Bettiah in connection with Bagaha Mahila P.S. Case No. 14/2023, subject to the conditions as laid down U/s 437(3) Cr.P.C.

(Dr. Anshuman, J)

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