

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71053 of 2023

Arising Out of PS. Case No.-35 Year-2015 Thana- MAHILA PS District- Jehanabad

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Aizaz Ansari, s/o- Md. Jamal Ansari, Mohalla- Saikhpora Ps- Kako Dist-
Jehanabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar, Advocate

For the Opposite Party/s : Mr. Rana Randhir Singh, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 07-11-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner seeks bail in connection with Special POCSO Case No. 09 of 2015 arising out of Jehanabad Mahila P.S. Case No. 35 of 2015 registered for the alleged offences under Sections 376 and 511 of the Indian Penal Code and Section 7 of the POCSO Act.

3. As per prosecution case, petitioner entered into the house of the informant and made attempt to commit rape with the informant. On alarm being raised, the mother of the informant and other persons came there and petitioner fled away from the spot.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this



case. No occurrence as alleged has ever taken place. Petitioner is witness in one Kako (Bhelawar) P.S. Case No. 3 of 2015 which was lodged against one Jahangir Asraf who set on fire the hut of the petitioner when the wife of the petitioner got a land settled in her name being a landless person. In order to take revenge, Jahangir Asraf lodged another case bearing Kako (Bhelawar) P.S. Case No. 4 of 2015 against the petitioner and others in which the police submitted final form finding the case to be false. Learned counsel further submits that the informant of the present case has been working as a maid in the house of said Jahangir Asraf and at his instance this false case has been lodged. Learned counsel further submits that even in this case after investigation police submitted final form but the learned Magistrate differed from the police and took cognizance under Section 376 and 511 of IPC and Section 8 of POCSO Act. The petitioner is in custody since 18.08.2023.

5. Learned APP opposes the prayer for bail submitting that the petitioner tried to commit rape with the informant.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the case and counter case between the parties and considering the



possibility of false implication, the petitioner above named is directed to be released on bail on furnishing bail bonds of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-VI-cum-Special Judge POCSO Act, Jehanabad/concerned court in connection with POCSO Case No. 09 of 2015 arising out of Jehanabad Mahila P.S. Case No. 35 of 2015, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions :

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bonds of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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