

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73281 of 2023**

Arising Out of PS. Case No.-12 Year-2023 Thana- MAHILA P.S. District- Kaimur (Bhabua)

JAVED ANSARI @ JAAVED ANSARI @JAWED ANSARI S/O MUNNA
ANSARI RESIDENT OF VILLAGE-LOHDAN, P.S.-CHAINPUR,
DISTRICT-KAIMUR AT BHABUA.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vinod Kumar Seth, Advocate

For the Opposite Party/s : Mr.Rajiv Nayan, APP

**CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER**

2 23-11-2023 Heard the parties.

2. The petitioner is in judicial custody in connection with POCSO Case No. 26/2023 arising out of Bhabua Mahila P.S. Case No. 12 of 2023 for the offence punishable under Sections 376 of the Indian Penal Code, 67(B) of IT Act and 4 of POCSO Act lodged on 16.3.2023 by the informant, Phool Kumari.

3. As per the prosecution story, the informant alleged that the petitioner earlier established physical relationship with her, recorded the same and later made the video viral which followed the FIR.

4. Learned counsel representing the petitioner submits that the girl was not minor at the time when the physical



relationship was allegedly made inasmuch as her date of birth is 1.1.2005 whereas the lodging of the FIR is on 16.3.2023 and further though he is in custody since 17.3.2023 and the trial is on, both the victim girl and her mother have denied the contents alleged in the FIR.

5. He has taken this Court to the deposition of the victim girl which is part of the petition as Annexure-P/2 to show that in para-10 she has stated that the petitioner never made physical relationship with her nor made any video and so far as the viral video is concerned, she does not know who are there in it. The mother has also made deposition on the same line. Learned counsel further submits that in case the petitioner is granted bail, he will be appearing in the trial without fail and failure to do so, the trial Court shall be free to cancel his bail bond.

6. Learned APP opposes the prayer stating that on the date of FIR though she was not minor, she alleges the relationship about 10 months ago which means at the time of physical relationship, she was minor.

7. Though, there is force in the submission of the learned APP, fact remains that in course of trial, the victim girl as also her mother have deposed otherwise, the petitioner is only



19 years of age, is in custody since 17.3.2023 (para-11 of the petition), do not have criminal antecedent. Further, the trial is and as undertaken by the learned counsel for the petitioner that he will be diligently appearing in the trial so that the same is taken to its logical conclusion at an earliest, this Court is inclined to grant him the privilege of bail.

7. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Spl. Judge POCSO Act cum ADJ-VI, Kaimur at Bhabua, in connection with POCSO Case No. 26/2023 arising out of Bhabua Mahila P.S. Case No. 12 of 2023 subject to the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station till conclusion of the trial to mark his attendance;

(iv) the petitioner shall in no way try to induce or



promise or threat the witnesses or tamper with the evidences,
failing which the State shall be at liberty to take steps for
cancellation of the bail bonds;

(v) the petitioner shall desist from committing any
criminal offence again, failing which the State shall be at liberty
to take steps for cancellation of his bail bonds.

8. With the aforesaid observations, the bail application
is allowed.

(Rajiv Roy, J)

Ravi/-

U		T	
---	--	---	--

