

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.581 of 2023

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

Arif Ansari @ Md. Arif Ansari Son of Late Rashid Ansari R/v- Jagta, Ward
No. 8, P.S.- Raniganj, District- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mrigendra Kumar, Advocate
For the Opposite Party/s : Ms. Rina Sinha, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 05-05-2023 Heard learned counsel appearing on behalf of the
petitioner and learned Additional Public Prosecutor appearing
on behalf of the State.

The accused/petitioner is named in the F.I.R. and
apprehend his arrest in connection with Raniganj P.S. Case No.
291 of 2022 registered for the offences punishable under
Sections 376, 323 and 504/34 of the Indian Penal Code (in short
'I.P.C.')

and under Sections 4/6 of the Protection of Children
from Sexual Offences Act (POCSO).

The allegation against this petitioner is to commit rape
upon minor daughter of the informant aged about 14 years,



while she was alone in her home.

Learned counsel appearing on behalf of the petitioner submitted that the implication is false arises out of neighbourhood disputes and differences. It is submitted that the present F.I.R. was lodged with unexplained delay of fifteen (15) days, which appears an afterthought, purposely for false implication of petitioner. It is further submitted that no medical examination was conducted upon victim, which may corroborate the allegation as raised through present F.I.R. While concluding the argument it is submitted that petitioner is a man of clean antecedent.

Learned APP for the State while opposing the prayer of bail submitted that the victim girl is minor aged about 14 years, as per F.I.R. and she also appears differently abled upon whom penetrative sexual assault was committed upon by the petitioner. It is submitted that the occurrence is duly supported in statement of victim as recorded under Section 164 of the Cr.P.C.

Considering the aforesaid facts and circumstances and by taking note of specific allegation, as to commit penetrative sexual assault upon minor daughter of informant, which is duly supported through statement of victim as recorded under Section



164 of the Cr.P.C., the prayer of anticipatory bail of this
petitioner is rejected herewith.

(Chandra Shekhar Jha, J.)

pooja/-

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

