

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6503 of 2024

Arising Out of PS. Case No.-151 Year-2020 Thana- JHAJHA District- Jamui

Sahil Ansari, aged about 24 years, male, S/O Jakir Ansari @ Zakir Ansari R/O
Village- Ramdih, P.S- Jhajha, Distt.- Jamui.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Yogendra Kumar, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 16-02-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with
POCSO Case No. 08 of 2022 arising out of Jhajha P.S. Case No.
151 of 2020 instituted for the offence under Sections 376 of the
Indian Penal Code and Section 04 of POCSO Act.

3. As per prosecution case, on 30.05.2020 at about
08:00 P.M. when the informant went for defecating along with
her mother and was coming back, the co-accused persons along
with the petitioner got hold of her and took her to kabristan
where the petitioner committed rape on her.

4. It has been submitted on behalf of the petitioner's
counsel that the petitioner is in custody since 13.09.2023.



Petitioner bears one criminal antecedent, as per disclosure made in paragraph No. 3 of the bail application.

5. It has been further submitted by the petitioner's counsel that petitioner has been falsely implicated in the present case. The present case is misuse of privilege of bail. Earlier the petitioner was granted anticipatory bail by the learned Court below but due to lack of knowledge, the petitioner could not appear and his bail was cancelled on 15.05.2022. The petitioner challenged the same before this Court vide Cr. Revision No. 438 of 2022. During the pendency of revision application, the petitioner was arrested on 13.09.2023, and as such, the said revision application has become infructuous with respect to the petitioner. The present case is misuse of privilege of bail. The marriage between the petitioner and the victim has already got solemnized.

6. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

7. Considering the aforesaid facts and circumstances of the case, period of custody of the petitioner and the fact that the present case is misuse of privilege of bail, this Court is inclined to grant bail to the petitioner.

8. Let the petitioner be released on bail *after framing of*



charge, if not already framed, on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Jhajha P.S. Case No. 151 of 2020 subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

Nilmani/-

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

