

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20304 of 2024

Arising Out of PS. Case No.-52 Year-2022 Thana- MAHILA P.S. District- Araria

Salman Ansari son of Md. Mumtaz Ansari R/o- Momin Tola W.No-3, PO +
PS- Araria District- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Ms. Shilpi Keshri, Advocate
		Mr. Chandra Shekhar Kumar Singh, Advocate
For the Opposite Party/s :		Mr. Binay Krishna, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 02-04-2024

1. Heard learned counsel for the parties.

2. The petitioner has preferred this application for grant of regular bail in connection with Araria Mahila P.S. Case no.52 of 2022, registered under sections 376AB, 341, 323 and 34 of the Indian Penal Code, sections 4 and 6 of the POCSO Act and section 3 (2) (V) of the SC/ST Act.

3. As per the prosecution case, the informant states that his 10 year old daughter returned from outside and disclosed that she had been raped by the petitioner. It is further stated that on the informant along with his brother going to the house of the accused, he was abused in the name of his caste and assaulted by the accused persons.

4. Learned counsel for the petitioner submits that the



petitioner has been falsely implicated in the case. No such occurrence has taken place. Inspite of the alleged occurrence being at the time of Durga Puja, no independent witness has come forward to support the allegations of even the informant coming out of the house of the petitioner. The medical report does not support the prosecution case. The co-accused Md. Mumtaz Ansari and Bibi Ladli have been enlarged on anticipatory bail vide order dated 11.9.2023 passed in Cr. Misc. no. 28592 of 2023. The petitioner is in custody since 6.10.2022 and investigation in the case has concluded.

5. The application for bail is opposed by learned APP for the State.

6. Having heard learned counsel for the parties and taking into consideration the allegations in the FIR and the victim having supported the allegations of rape against the petitioner, the Court is not inclined to enlarge the petitioner on bail and the application is rejected.

7. Learned trial Court is directed to expedite the trial.

(Partha Sarthy, J)

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