

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30154 of 2024

Arising Out of PS. Case No.-119 Year-2022 Thana- KARAKAT District- Rohtas

Md. Sarfraz Ansari @ Raju Son of Md. Shahid Ansari @ Shahid Alam
Resident of Village- Barah Palthar Ward No. 16, P.S.- Dehri, Dist.- Rohtas
(Sasaram)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shailesh Kumar Singh, Advocate
For the Opposite Party/s : Mr. Jitendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 21-06-2024 Heard Mr. Shailesh Kumar Singh, learned counsel for
the petitioner and Mr. Jitendra Kumar Singh, learned APP.

2. The petitioner is in custody in connection with
Karakat P.S. Case No. 119 of 2022 for the offence punishable
under sections 363, 366(A) of the Indian Penal Code and Section
12 of the POCSO Act lodged on 11.07.2022 by the informant,
Pawan Sharma.

3. As per the prosecution story, the allegation is that the
informant is a labour whose wife died during COVID-19 period.
The victim girl was working with one Rahila Kuwar who sold his
daughter and upon inquiry, also assaulted him. When he tried to
search, he could not find her and later came to know that Rahila
Kuwar's son Prem Tiwary and Arjun Tiwary raped his daughter.
The girl was subsequently recovered and she made statement



firstly under Section 161 of the Cr.P.C. and later under Section 164 of the Cr.P.C. in which she alleged that the petitioner along with his wife purchased her and pressurize her to do bad work.

4. Learned counsel for the petitioner submits that earlier the bail application was rejected vide Cr. Misc. No. 54755 of 2023 on 25.08.2023. He further submits that though allegation of having purchased the girl is on them, the allegation of rape is actually on Prem Tiwary and Arjun Tiwary, he has already suffered by being in custody since 01.11.2022 (paragraph-1 of the petition), do not have criminal antecedent and will be diligently appearing in trial.

5. Learned APP opposes the prayer for bail submitting that allegation against him is of having purchased the girl and subsequently facilitated her rape by the two brothers.

6. Taking into account the fact that petitioner has remained in custody since 01.11.2022, is ready to appear in trial diligently, do not have any criminal antecedent and the allegation of rape is against Prem Tiwary and Arjun Tiwary, this Court is inclined to extend him the privilege of bail with conditions.

7. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned ADJ-VII cum Exclusive Spl. Court (POCSO) Act, Rohtas at Sasaram, in



connection with Karakat P.S. Case No. 119 of 2022 subject to the following conditions:

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his/her 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 every fortnight for six months 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.

(Rajiv Roy, J)

Adnan/-

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

