

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35274 of 2024

Arising Out of PS. Case No.-56 Year-2024 Thana- DHAKA District- East Champaran

Md. Saheb Ansari SON OF Gabar Ansari @ Naushad Ansari R/O VILLAGE-
Azad nagar, ward no 20, P.S.- Dhaka, dist east Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Adarsh Ranjan, Advocate

For the Opposite Party/s : Mr. Ganesh Prasad Singh, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 16-05-2024 Heard learned counsel for the petitioner and learned
A.P.P for the State.

2. The petitioner has preferred this application for grant of regular bail in connection with Dhaka P.S. Case No. 56 of 2024 dated 07.02.2024 registered for the offences punishable under Section 376 of the I.P.C. and Section 08 of the POCSO Act.

3. As per the prosecution case, on the pretext of marriage, the petitioner used to establish physical relationship with the daughter of the informant by administering her some drug.

4. Learned counsel for the petitioner has submitted



that the petitioner is innocent and has falsely been implicated in this case. The name of the petitioner has transpired in this case merely on the basis of the suspicion. As per the statement of the victim girl recorded under Section 164 of the Cr.P.C., it is submitted that there is love affair between the petitioner and the victim girl. Both are major and they established their relationship on their own will. Learned counsel for the petitioner placed reliance on the judgment in the case of **Mandar Deepak Pawar Vs. State of Maharashtra & Anr. (Criminal Appeal No. 442 of 2022)** in which “a distinction was made between a false promise to marriage which is given on understanding by the maker that it will be broke and a breach of promise which is made in good faith but subsequently not fulfilled”. The petitioner has no criminal antecedents as stated in para 3 of the bail petition. The petitioner is in custody since 12.02.2024.

5. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner.

6. Considering the aforesaid facts and circumstances of the case, nature of allegation levelled against the petitioner and the period of custody, the petitioner above-named, is directed to be enlarged on bail on furnishing bail-bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the



like amount each to the satisfaction of learned Court concerned,
East Champaran in connection with Dhaka P.S. Case No. 56 of
2024, with a condition/s:-

(i). The petitioner is directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bond of the petitioner is liable to cancelled.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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