

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46305 of 2024

Arising Out of PS. Case No.-560 Year-2023 Thana- SIKARPUR District- West Champaran

Rizwan Ansari S/O Kashim Ansari @ Sakim Ansari Resident Of Village-
Dhumnagar Chandpur, P.S- Sikarpur, Distt.- West Champaran.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Nishat Firdos D/O Mukhtar Ansari R/O Village- Dhumnagar, Chandpur, P.S-
Shikarpur, Distt.- West Champaran.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sujeet Kumar, Adv.

For the Opposite Party/s : Mr.Md. Ataur Rahman, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 10-07-2024 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner apprehends arrest in connection with
Sikarpur P.S. Case No. 560 of 2023 dated 06-07-2023 instituted
for the offence punishable under Sections 376,493 and 34 of the
Indian Penal Code and Sections 4 and 12 of the POCSO Act.

3.The prosecution case, in short, is that on 05.07.2023
at about 1.30 pm, one co-accused Asif Ansari locked the
informant in the house of petitioner and committed rape with the
informant.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and he has been falsely implicated in this



case. It is further submitted that there is specific allegation against co-accused, namely, Aashif Ansari, who committed rape upon the informant on the false pretext of marriage. It is next submitted that petitioner has no connection with the said Aashif Ansari. The petitioner has been made accused in the instant case only due to personal grudge of the informant. The petitioner and the informant are resident of the same village. Earlier to the present case, there was hot exchange between the grand father of the petitioner and the father of the informant for drainage of water and on account of such dispute, the petitioner has been falsely implicated in this case. Learned counsel for the petitioner submits that main accused, namely Aashif Ansari @ Yashik Annsari has been granted bail by a Co-Ordinate Bench of this Court *vide* order dated 30-01-2024, passed in Cr. Misc. no. 72365 of 2023. Other similarly situated co-accused, namely, Tharu Ansari @ Safi Alam has been granted anticipatory bail by this Court *vide* order dated 18-03-2024, passed in Criminal Miscellaneous No. 17640 of 2024. Lastly, it has been submitted that petitioner has no criminal antecedents..

5. Learned APP has opposed the prayer for bail.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in



the event of arrest or surrender before the Court below within six weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District and Sessions Judge-VII-cum Special Judge POCSO Bettiah, Dist. West Champaran, in Sikarpur P.S. Case No. 560 of 2023 , subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973.

(Khatim Reza, J)

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