

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56606 of 2023

Arising Out of PS. Case No.-312 Year-2023 Thana- SIKARPUR District- West Champaran

Ansarul Hajam @ Ansarul Mian S/O Mahamddin Mian R/O Village- Tiwari
Tola, P.S- Bairiya, Distt.- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey

For the Opposite Party/s : Mr. Usha Kumari 1

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 29-01-2024 Heard learned counsel for the petitioner and
learned Spl.PP for the State.

2. The instant application for regular bail has been filed by the petitioner in connection with Shikarpur P.S. Case no. 312 of 2023 instituted for the offence punishable under Sections 376, 120B of the Indian Penal Code, Section 3(i)(r)(s), 3(2)(va) of SC/ST (POA) Act and Sections 4 and 12 of the POCSO Act.

3. AS per allegation in the FIR, when the minor daughter of the informant, aged about 13 years, went out for nature's call, petitioner dragged her to bank of Hargoda river and committed rape. On hearing her screaming sound, co-villager came there for her help and caught the petitioner



on spot.

4. Learned counsel appearing on behalf of the petitioner has submitted that petitioner is innocent and has committed no offence. As per school admission register, victim girl is more than 17 years. Victim and petitioner both were medically examined but medical report does not support the case of prosecution. Victim belongs to SC/ST Community. Petitioner is languishing in judicial custody since 23.4.2023. Informant and father of the petitioner are full brothers.

5. Learned Special Public Prosecutor appearing for the State has opposed the prayer of bail and submitted that statement of the victim girl was recorded under Section 164 Cr.P.C., wherein she has made direct allegation of rape against the petitioner. Petitioner is the sole accused. Petitioner has confessed his guilt in respect of commission of rape with the victim girl in his confessional statement.

6. Having heard learned counsel for the parties and taking into consideration that there is direct allegation of committing rape against the petitioner upon the minor victim girl, who belongs to SC/ST community, I am not



inclined to grant bail to the petitioner and, as such, his application for bail is rejected.

The trial court is directed to expedite and conclude the trial.

(Sunil Kumar Panwar, J)

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