

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68470 of 2024

Arising Out of PS. Case No.-229 Year-2024 Thana- KHAJEKALA District- Patna

Seraj Ansari Son of Shamsudin Ansari @ Shamsudin Majid Ansari Resident of Ashok Bhagat Chawl, Bhagatwadi Sukurapur, Police Station - Panwel, District - Navi Mumbai (Maharashtra). Permanent resident of Village - Mulgaon Raigarh, Kushinagar, Uttar Pradesh

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Syed Alamdar Hussain, Adv.
For the State : Mr. Kumar Veerendra Narayan, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

3 20-11-2024 Heard Mr. Syed Alamdar Hussain, learned counsel

for the petitioner and Mr. Kumar Veerendra Narayan, learned

APP for the State.

2. Petitioner seeks regular bail in connection with
Khajekala P.S. Case No. 229/ 2024 dated 22.05.2024 registered
for the offence(s) punishable under Section(s) 363, 366A and
365 of the I.P.C.

3. The main submissions advanced by learned counsel
for the petitioner are that in the F.I.R. the victim's age has been
disclosed as 15 years but no penal provision of POCSO Act has
been inserted in the F.I.R. and even after completion of
investigation, chargesheet was not filed under any section of the
POCSO Act and during the investigation when the victim was



produced before the doctor concerned for determination of her age as well as commission of any sexual assault on her she flatly denied to undergo medical examination and due to that reason her age could not be ascertained scientifically. Learned counsel further submits that, in fact, the victim on account of constant harassment committed by her parents, herself left her parents' custody and went to Mumbai in which there was no any kind of persuasion or role of the petitioner and as the petitioner had some friendship with the victim via Instagram, so, she contacted him and after knowing the victim's presence in Mumbai the petitioner as well his parents asked her to return back and also approached the local police station at Mumbai then the police brought the victim to Patna and in this regard, the statement of victim recorded under section 164 of the Cr.P.C may be perused. It is further submitted that petitioner is 21 years old and has got fair and clean antecedent.

4. Learned APP for the State opposed the bail prayer of the petitioner.

5. Having regard to the facts and circumstances of this case as well as the above submissions and mainly the victim's statement recorded under section 164 of the Cr. P. C. which goes in favour of the defenses taken by the petitioner and also taking



into account the completion of investigation against the petitioner as well as his young age, this court is inclined to accept the bail prayer of the petitioner. Accordingly, let the petitioner named-above be released on bail in connection with Khajekala P.S. Case No. 229 of 2024 on furnishing bail bond of Rs. 20,000/-(Twenty Thousand) with two sureties of the like amount each to the satisfaction of the Court concerned.

(Shailendra Singh, J)

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