

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69961 of 2024

Arising Out of PS. Case No.-352 Year-2024 Thana- RAFIGANJ District- Aurangabad

Isteyak Anasari @ Isteyara Ansari @ Isteyak, aged about 37 years, Gender-Male, Son of Md. Gyas Ansari @ Gyas Ansari, R/O Village - Fida Bigha, P.S.-Rafiganj, Dist. -Aurangabad.

... .. Petitioner

Versus

1. The State Of Bihar.
2. Praveen Khatoon, Wife of Anwar Hussain, R/O Village - Fida Bigha, P.S.-Rafiganj, Dist. -Aurangabad.

... .. Opposite Parties

Appearance :

For the Petitioner	:	Mr. Pramendra Kumar Singh, Advocate
For the O.P. No. 2	:	None.
For the State	:	Mrs. Nirmala Kumari, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

3 11-12-2024 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State. No one appears for the opposite party no. 2 despite valid service of notice on her.

2. The petitioner is apprehending his arrest in connection with Rafiganj P.S. Case No. 352 of 2024 dated 25.07.2024 registered for the offences punishable under Sections 74, 75, 76, 126(2), 115(2), 351(2), 352, 3(5) of the Bhartiya Nyaya Sanhita, 2023, Sections 27 and 30 of the Arms Act and Sections 8 and 12 of the POCSO Act.

3. As per the prosecution case, some accused persons were eating, drinking and using abusive language at the informant's neighbour doorstep. When his son Saddam Hussain



asked them to leave, Istiyak Ansari (petitioner) and the co-accused person Furkan Ansari armed with a Katta threatened him and forcibly entered their house alongwith the co-accused person Afsar who entered from the rooftop. They assaulted the informant's sons and dragged the informant's 14 year old daughter outside and behaved indecently. On halla, some neighbours gathered thereafter, the accused persons fled away from there.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. It is further submitted that both parties are *gotias* and there is case and counter case between them. It is further submitted that the matter has already been compromised between the informant and the accused persons and to that effect a compromise petition has also been filed in the court of learned Special Judge, POCSO Act, Aurangabad, Bihar, annexed as Annexure-P/3 to the present bail petition. No incriminating article has been recovered from his possession. It is further submitted that the other co-accused person Md. Furkan Ansari @ Md. Furkan has already been granted regular bail by a Bench of this Court vide Cr. Misc. No. 69230 of 2024 under order dated 07.10.2024. The petitioner has clean antecedent as stated



in paragraph no. 3 of the bail application.

5. Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioner.

6. Considering the aforesaid facts and circumstances of the case, let the above named petitioner, in the event of his arrest/surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail bond of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-VI-cum-Special Exclusive Judge (POCSO), Aurangabad in connection with Rafiganj P.S. Case No. 352 of 2024, subject to the condition as laid down under Section 482(2) of the B.N.S.S. with further condition:-

(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 bonds of the petitioner are liable to be cancelled.

7. The application stands allowed.

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(Chandra Prakash Singh, J)

