

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72365 of 2023

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

Aashif Ansari @ Yashik Ansari S/O Karmullah Ansari @ Karmullah Miyan
Village- Shishai, Ps. Shikarpur, Dist. West Champaran

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arbind Kumar Singh
For the Opposite Party/s : Mr.Narendra Kumar Singh

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 30-01-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for regular bail in a case
instituted for the offence under Sections 376, 493, 120B/34 of
the Indian Penal Code and Sections 4 and 12 of the POCSO Act.

3. The allegation against the petitioner is of
committing rape upon the informant on the false pretext of
marriage. It is further alleged that the co-accused persons were
deputed at the gate.



4. It is submitted by learned counsel for the petitioner that petitioner has been falsely implicated in this case. He has committed no offence. According to prosecution case as well as the victim's statement recorded under Section 161 of the Cr.P.C. is that at the instance of solemnization of marriage, the petitioner used to establish physical relationship with her for two years but from the perusal of the victim's statement recorded under Section 164 of the Cr.P.C., she stated that the petitioner established physical relation with her, when she went to attend marriage ceremony of her relative, hence, there is a major contradiction between the victim's statements. He further submitted that it seems to be a consensual relationship between the parties and the victim is at the verge of maturity. Moreover, the Medical report has not supported the prosecution case and there is no sign of recent intercourse. Petitioner has got no criminal antecedent as stated in para-3 of the bail petition. He is languishing in judicial custody since 07.07.2023.

5. The application for bail is opposed by learned APP for the State.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as period of custody, this court is inclined to enlarge the petitioner



on bail **after framing of charge, if not framed.** The above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge 7th-cum-Special Judge (POCSO), West Champaran at Bettiah in connection with Shikarpur P.S. Case No. 560 of 2023.

(Sunil Kumar Panwar, J)

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