

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82263 of 2023

Arising Out of PS. Case No.-19 Year-2023 Thana- MAHILA P.S. District- Siwan

Ashan Ali @ Ahsan Ali @ Ahsan Alam S/O Nasruddin Ansari @ Najruddin
Miyan R/O Village- Bari Lakri, P.S- Basantpur (LAKRI Nabiganj O.P.) Distt.-
Siwan.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Javed Aslam, Advocate
For the Opposite Party/s	:	Mr. Binod Kumar, APP
For the Informant	:	Mr. Anshul, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 24-01-2024 Heard Mr. Javed Aslam, learned counsel for the

petitioner and Mr. Binod Kumar, learned APP for the State as

well as Mr. Anshul, learned counsel appearing on behalf of the

informant.

2. The petitioner is apprehending his arrest in
connection with Siwan Mahila P.S. Case No. 19 of 2023, F.I.R.
dated 26.04.2023 for the offences punishable under Sections
341, 323, 379, 511 and 34 of the Indian Penal Code and
Sections 8 and 17 of the POCSO Act.

3. According to prosecution case, the petitioner is
said to have entered into the house of the informant and tried to
commit sexual offence with her.

4. Learned counsel for the petitioner submits that
petitioner has clean antecedent and he has falsely been



implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offences as alleged in the F.I.R.

5. The learned Additional Public Prosecutor as well as learned counsel for the informant on the basis of material available on record have vehemently opposed the prayer for bail of the petitioner and submit that there is direct and specific allegation against the petitioner that he has tried to commit rape upon the victim. He further submits that the statement of the victim recorded under Section 164 Cr.P.C. in which she has fully supported the prosecution case.

6. Considering the allegation as alleged in the F.I.R and the material available on record, I am not inclined to grant the privilege of anticipatory bail to the petitioner in connection with Siwan Mahila P.S. Case No. 19 of 2023 pending in the court of Additional District & Sessions Judge-VI-Cum-Special, Judge, POCSO, Siwan.

7. Prayer is refused.

(Rajesh Kumar Verma, J)

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