

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85674 of 2023

Arising Out of PS. Case No.-387 Year-2023 Thana- BHORE District- Gopalganj

Alamgir Ansari, Son of Shahabuddin Ansari, Resident of Village- Misrauli,
Police Station- Bhore, District- Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Najeeb Ahmad, Advocate
		Mr. Thakur Brajesh Singh, Advocate
For the Opposite Party/s :		Ms. Usha Kumari 1, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 09-04-2024

1. Heard learned counsel for the parties.

2. The petitioner has preferred this application for grant of regular bail in connection with Bhore P.S. Case no. 387 of 2023 registered under section 376(3) of the Indian Penal Code, Sections 4 and 6 of the POCSO Act and sections 3(1)(r), (s) and (w) and section 3(2)(v) of the SC and ST Act, 1989.

3. As per the prosecution case, the informant states that in absence of her mother, the petitioner committed rape on her.

4. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the case. No such occurrence as alleged has taken place. There is no eye witness to the occurrence. Further, though the alleged victim was examined on the same day, however as per the medical report neither any injury was found on the private parts nor any external injury



was found on the victim. The opinion of the doctor was that there was no evidence of sexual assault. The petitioner is in custody since 12.8.2023 and has no criminal antecedent. Charge-sheet has been submitted in the case.

5. The prayer for bail is opposed by learned A.P.P for the State, who though admits the contents of the medical report as submitted by learned counsel for the petitioner, however submits that there is direct allegation against the petitioner in the FIR and the same has been supported by the victim in her statement under section 164 of the Cr.P.C.

6. Having heard learned counsel for the parties and taking into consideration the allegations against the petitioner in the FIR and the material that has transpired in course of investigation, the Court is not inclined to enlarge the petitioner on bail and the application is rejected.

7. In view of the facts and circumstances of the case, especially the contents of the medical report, liberty is granted to the petitioner to renew his prayer for bail after completing one year in custody or after framing of charge, whichever is later.

(Partha Sarthy, J)

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