

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5146 of 2024

Arising Out of PS. Case No.-126 Year-2022 Thana- TANDWA District- Aurangabad

Murad Ansari SON OF HASAN ANSARI R/O VILLAGE- KHAJURI, P.S.-
TANDWA, DIST.- AURANGABAD

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs.Mukul Kumari, Advocate

For the Opposite Party/s : Mr. Vijay Kumar, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 20-02-2024 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner apprehends his arrest in connection with
POCSO G.R. No. 94/2022 arising out of Tandwa P.S. Case No. 126
of 2022 registered under Sections 341, 323, 354(a), (b) and (d), 509,
506 and 307 of the Indian Penal Code, Sections 8, 12 of the POCSO
Act and Sections 3 (i) (r) (s) W(i), 3(2) (v-a) of the SC/ST Act
lodged on 19.11.2022 by the informant, Khushbu Kumari.

3. As per the prosecution, the victim girl alleged that
while she was going to her school for study, Shamshad Ansari
stopped her and used some indecent word. He also pulled her
'dupatta' and when she tried to lift it from the ground, she was
pushed. As her friends came to rescue, they were assaulted by him.
The allegation against this petitioner is that he was present there and
asked Samshad Ansari to assault her and he will see to it.



Accordingly, the FIR.

4. Learned counsel for the petitioner submits that the main allegation is against Samshad Ansari of outraging the modesty of the girl as also throwing her on the ground. Only to implicate him, a sentence has been added in the FIR that he exhorted the main accused. Lastly, he submits that he do not have criminal antecedent. Last submission is that the said Samshad Ansari has been granted bail.

5. Learned Spl. PP for the State, on the other hand, opposes the prayer for anticipatory bail stating that he was present there and instead of helping the girl was actually exhorting Samshad Ansari.

6. Taking into account the submissions put forward by the parties as also that the petitioner do not have criminal antecedent, the main allegation is against Samshad Ansari who has now been granted bail, this Court is inclined to extend him the privilege of anticipatory bail.

7. Let the petitioner, in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-VI, cum Exclusive Special Judge, POCSO Act, Aurangabad in connection with POCSO G.R. No. 94/2022 arising out of Tandwa



P.S. Case No. 126 of 2022 subject to condition as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his/her bail bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every month for next one year to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of his bail bonds;

(v) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

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