

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86003 of 2023

Arising Out of PS. Case No.-149 Year-2019 Thana- GOVINDPUR District- Nawada

Sarfraj Ansari S/O OSI ANSARI RESIDENT OF VILLAGE- SINGHO
KAUKI, PS. TISRI, DIST. GIRIDIH (JHARKHAND)

... .. Petitioner/s

Versus

1. State of Bihar
2. SULI SINGH S/O LATE CHANDO SINGH RESIDENT OF VILLAGE-
GOVINDPUR, PS. GOVINDPUR, DIST. NAWADA.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N.A. Shamsi, Advocate
		Mr. Sheo Kumar Prasad, Advocate
For the Opposite Party/s	:	Mr. Ram Naresh Ray, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

5 10-04-2024

1. Heard learned counsel for the parties.

2. The petitioner has preferred this application for grant of regular bail in connection with Govindpur P.S. Case no.149 of 2019 registered under sections 363 and 376 of the Indian Penal Code and section 4 of the POCSO Act.

3. As per the allegation in the F.I.R., the daughter of the informant who had gone to purchase the cloth from the shop disappeared and was not to be found inspite of search.

4. Learned counsel for the petitioner submits that the F.I.R. was registered against unknown. The name of the petitioner transpired in course of investigation in the statement of the daughter of the informant recorded under section 164



Cr.P.C. Learned counsel referring to the statement under section 164 Cr.P.C. submits that even accepting the contents thereof for the sake of argument, the only allegation against the petitioner was that he was present at the place of occurrence. All the allegations of overt act etc. are against the co-accused Bittu Kumar who has already been acquitted vide judgment dated 17.2.2023 passed in POCSO Case no.49 of 2019, a copy of the judgment having been brought on record as Annexure-4 to the supplementary affidavit. There is no chance of the conviction of the petitioner in view of the above. The petitioner is in custody since 5.10.2023 and has no criminal antecedent. Chargesheet has been submitted in the case.

5. The application for bail is opposed by learned A.P.P. for the State who submits that the petitioner has been named in the statement under section 164 Cr.P.C. and in a case of the year 2019, he continued to abscond and much after the acquittal of the co-accused by judgment dated 17.2.2023 that he was taken into custody on 5.10.2023.

6. Having heard learned counsel for the parties and taking into consideration the allegations in the F.I.R., the contents of the statement under section 164 Cr.P.C. with specific role having been assigned to the petitioner therein and the



petitioner having remained at large till he was taken into custody only on 5.10.2023, the Court is not inclined to enlarge the petitioner on bail and the application is rejected.

7. In view of the submissions made above and specially acquittal of co-accused Bittu Kumar, liberty is granted to the petitioner to renew his prayer for bail on completing one year in custody or on framing of charge against the petitioner in the learned trial Court, whichever is later.

(Partha Sarthy, J)

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