

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22140 of 2025

Arising Out of PS. Case No.-91 Year-2024 Thana- GARHI District- Jamui

Md. Ashik Ansari @ Md. Sakib Ansari Son of Md. Sagir Miya Resident of
Village - Murbaro, P.S. - Garhi, District - Jamui

... .. Petitioner/s

Versus

- 1. The State of Bihar
- 2. Saryug Pandit Son of Late Mahavir Pandit Resident of Village - Mundbaro,
P.S. - Garhi, District - Jamui

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Priyanka Singh, Advocate

For the Opposite Party/s : Mr. Nand Kishore Prasad, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

4 23-07-2025 Heard learned counsel for the petitioner and learned APP
for the State. Perused the case diary.

2. The petitioner seeks bail in connection with Garhi
P.S. Case No. 91 of 2024 instituted for the offence under
Sections 137(2), 140(3) & 3(5) of the Bharatiya Nyaya Sanhita,
2023 and Section 4 of the POCSO Act.

3. Prosecution case in short is that petitioner along
with others have kidnapped the minor daughter of the informant.

4. It has been submitted on behalf of the petitioner
that the petitioner is in custody since 12-08-2024. Petitioner



bears no criminal antecedent, as per disclosure made in paragraph No. 3 of the bail application.

5. It has been further submitted by the petitioner's counsel that petitioner has been falsely implicated in the present case. Referring to statement of the victim recorded under Section 183 of the BNSS, 2023, it is submitted that victim at her own volition went with the petitioner and sexual relationship was established between them. Even as per medical report, no spermatozoa was found.

6. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner. It is mainly contended that police after completion of investigation has submitted charge sheet in this case under Sections 137(2), 96, 64 & 3(5) of the BNS, 2023 and Section 4 of the POCSO Act. Since victim is minor, her consent has no admissibility in the eye of law and the sexual relationship established between the victim and the petitioner would amount to rape.

7. Considering the aforesaid facts and circumstances of the case, the victim being minor and nature of accusation, this Court is not inclined to grant bail to the petitioner at this stage. Prayer of bail is, accordingly, *rejected*.

8. The Trial Court is directed to expedite the trial as



expeditiously as possible without any undue delay and unnecessary adjournments.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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