

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51944 of 2025

Arising Out of PS. Case No.-278 Year-2024 Thana- KATEYA District- Gopalganj

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1. Riyaj Ansari @ Reyaz Ansari S/O Amruddin Ansari Resident of village- Parsauni, P.S.- Kateya, Dist.- Gopalganj
 2. Reyajuddin Ansari S/O Abdul Gaffar Ansari Resident of village- Parsauni, P.S.- Kateya, Dist.- Gopalganj

... .. Petitioner/s

Versus

1. The State of Bihar Patna
2. Hasmuddin Ansari S/o Lat e Karamtaj Ali Resident of Village - Parsoni, P.S.- Kateya, District- Gopalganj.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dharmveer
For the Opposite Party/s : Mr.Madan Kumar

CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

3 15-11-2025 Heard the learned counsel for the petitioner and
learned Additional Public Prosecutor for the State.

2. During the pendency of the anticipatory bail application, the petitioner No.1 has already been arrested, as such, the learned counsel for the petitioners seeks permission to withdraw the anticipatory bail application with respect to petitioner No.1 and now the anticipatory bail application only survives for petitioner No. 2.

3. The petitioner is apprehending his arrest in a case registered for the offences punishable under Sections 126(2), 115(2), 118(1), 117(2), 75, 3(5) of the B.N.S. and Section 8 and 12 of the POCSO Act.

4. According to prosecution case, 08.07.2024, Hasmuddin Ansari's 13-year-old grand-daughter, Ladli Khatoon,



was surrounded by four men—Reyaj Ansari, Rahul Chaudhary, Guddu Chouhan, and Sonu Chauhan—who allegedly grabbed her and attempted rape, but fled when she raised an alarm. Subsequently, when Ansari and others confronted the boys' guardians, they were met with a violent counter-assault by multiple individuals using lathis, an iron rod, a knife, and a 'dab,' resulting in injuries, including a broken hand, to several members of Ansari's group.

5. Learned counsel for the petitioner submits that the allegations made in the First Information Report are not correct. During the course of hearing, the attention of this Court was drawn to a case filed by the father of the co-accused, Rahul Chouhan, namely, Prithvi Chauhan, which shows that the said case was lodged on 21.07.2024. The present case, however, has been instituted on 22.07.2024, and is merely a counterblast to the above-mentioned case. It has further been submitted that the present F.I.R. has been lodged after a delay of 15 days, for which no satisfactory explanation or prudent reason has been offered by the informant. Both parties are having an existing dispute amongst themselves and from perusal of the victim's statement recorded under Section 183 of the B.N.S.S., the allegations do not appear to be corroborated. It is further



contended that the victim's statement was recorded after 2½ months of the alleged incident, which creates serious doubt regarding its credibility. The petitioner no. 2 has no criminal antecedents. It has also been argued that a co-ordinate Bench of this Court has already granted bail to the co-accused persons vide order dated 19.06.2025 passed in Cr. Misc. No.14054 of 2025.

6. Learned APP for the State opposes the prayer for anticipatory bail application.

7. Considering the aforesaid facts and circumstances that a co-ordinate Bench of this Court has already granted bail to the co-accused persons vide order dated 19.06.2025 passed in Cr. Misc. No.14054 of 2025. Accordingly, this Court is inclined to grant the privilege of anticipatory bail to the petitioner No.2.

8. Let the petitioner No.2, in the event of his arrest or surrender before the Court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned District and Addl. Sessions Judge-VI-cum-Special Judge, POCSO, Gopalganj, in connection with Kateya P.S. Case No. 278 of 2024, subject to the conditions as laid down under



Section 438(2) of the Code of Criminal Procedure / Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita and with other following conditions:-

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

(ii) the petitioner(s) 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/their bail bond by the Trial Court itself;

(iii) the petitioner(s) 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 the bail bonds;

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

(Ajit Kumar, J)

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