

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55858 of 2025

Arising Out of PS. Case No.-8 Year-2024 Thana- SIMULTALLA District- Jamui

Arman Ansari son of Md. Jakir @ Zakir Ansari Resident of Village- Asahana
PS -Simultalla, Dist- Jamui

... .. Petitioner/s

Versus

1. The State of Bihar
2. Dewanti Devi wife of Pintu Turi Resident of Village- Asahana PS
-Simultalla, Dist- Jamui

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajiv Kumar, Adv.
For the Opposite Party/s : Mr. Surendra Kumar, APP

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

ORAL ORDER

2 20-08-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with
Exclusive Special Court (POCSO) Jamui in POCSO Case No.
38 of 2025 arising out of Simultalla P.S. Case No. 8 of 2024
instituted for the offences under Sections 363, 365 of the
Indian Penal Code and, later on, added Sections 366(a), 376
of the I.P.C. and Section 4 of the POCSO Act.

3. As per prosecution case, the Informant's daughter
left from Simlalata station towards Jhajha station to get her
Aadhar card made but, she did not return home.



4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence as alleged against him and has falsely been implicated in the present case. Learned counsel for the petitioner submits that the victim girl has left her house on her own sweet will. She in her statement recorded under Sections 161 and 164 of the Cr.P.C. has stated that in the train she met Arman Ansari (petitioner) and went to Delhi with him. She also solemnized marriage with him and, thereafter, she started living with the petitioner. The petitioner has no criminal antecedent and is languishing in judicial custody since 16.12.2024 without any rhymes or reason.

5. Learned counsel for the petitioner further submits that the Investigating Officer, after completion of investigation, has submitted charge-sheet against the petitioner for offence under Sections 366(A)/376 of the I.P.C. and Section 4 of the POCSO Act, the case was committed to the court of sessions and the charge has also been framed under the same sections. He further submits that three witnesses have been examined till date.



6. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner, stating that the victim girl is minor and the offence alleged is serious in nature.

7. Having heard learned counsel for the parties, this Court finds that the trial is already in progress and, three witnesses have already been examined. Since, the trial is already in progress, this Court is not inclined to grant bail to the petitioner at this stage. Reliance in this connection may be made to the decision of the Hon'ble Apex Court reported in ***2024 SCC OnLine SC 3539 (X. vs. State of Rajasthan & Anr.)***, wherein in paragraph no. 14, the Hon'ble Apex Court has held as under:

“14. Ordinarily in serious offences like rape, murder, dacoity, etc., once the trial commences and the prosecution starts examining its witnesses, the Court, be it the Trial Court or the High Court should be loath in entertaining the bail application of the accused.”

8. Considering the aforesaid facts and



circumstances of the case as also the present stage of the trial, this Court is not inclined to grant bail to the petitioner.

9. Accordingly, the prayer for grant of bail to the petitioner is, hereby, rejected.

10. Learned Trial Court is directed to expedite the trial and conclude the same expeditiously.

(Rudra Prakash Mishra, J)

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