

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61923 of 2024

Arising Out of PS. Case No.-38 Year-2024 Thana- THAKRAHA District- West Champaran

Basruddin Mian @ Basruddin Ansari, aged about 20 years (M), son of Sadique Mian, R/O Village- Bhatahawa, Police Station- Thakraha, District -West Champaran.

... .. Petitioner

Versus

1. The State of Bihar.
2. Jai Prakash Chaudhary, Son of Late Bhikham Chaudhary, R/O village- Nawada Tola Belwari Patti, Ward No. 09, P.S.- Thakraha, Dist- West Champaran

... .. Opposite Parties

Appearance :

For the Petitioner	:	Mr. Brij Kishor Mishra, Advocate
For the O.P. No. 2	:	Mr. Pankaj Kumar, Advocate
For the State	:	Mr. Murli Dhar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

5 17-02-2025 Heard learned counsel for the petitioner, learned counsel for the opposite party no. 2 and learned A.P.P. for the State.

2. The petitioner seeks bail in connection with Thakraha P.S. Case No. 38 of 2024 dated 27.06.2024 registered for the offences punishable under Sections 341, 323, 313, 376, 504 read with Section 34 of the I.P.C. and Sections 4 and 6 of the POCSO Act.

3. As per the prosecution case, the co-accused Riyazuddin Ansari @ Langra sexually exploited the minor daughter of the informant aged about 14 year old, due to which,



she became pregnant. When the informant went to the house of the co-accused then his mother, father and siblings abused and pushed him. On 26.06.2024 at about 7.00 P.M., the petitioner alongwith other co-accused persons came to the informant's house and persuade his wife for abortion and took his wife and the informant's daughter to the hospital where the medicine was given to her, due to which, the condition of the informant's daughter got deteriorated and everybody left her in the hospital and ran away.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. It is submitted that the specific allegation is against the co-accused Riyazuddin Ansari @ Langra who was in physical relationship with the daughter of the informant but the petitioner has been made accused in the present case because he happens to be the elder brother of the said co-accused Riyazuddin Ansari @ Langra. There is general and omnibus allegation against the petitioner. It is further submitted that as far as taking away the informant's daughter before the doctor for getting abortion is concerned, there is no any evidence or chit of paper showing that the petitioner was involved in the alleged offence nor any medical prescription has been brought by the informant on the



record. The petitioner has clean antecedent as stated in paragraph no. 3 of the bail petition. He is in custody in this case since 27.07.2024.

5. Learned A.P.P. for the State and learned counsel for the opposite party no. 2 have vehemently opposed the bail petition of the petitioner. Learned counsel for the opposite party no. 2 has further submitted that the co-accused Riyazuddin Ansari @ Langra established physical relationship with the minor daughter of the informant and when she became pregnant, the petitioner and other co-accused persons came to the house of the informant and took the informant's wife and his daughter to the hospital for getting abortion in absence of the informant where after taking medicine by the victim, the condition of the victim got deteriorated and thereafter all the accused persons fled way from the hospital.

6. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-VII-cum-Special Judge, POCSO, Bettiah, West Champaran in connection with Thakraha P.S. Case



No. 38 of 2024.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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