

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67727 of 2024

Arising Out of PS. Case No.-326 Year-2023 Thana- KOTWA District- East Champaran

Mustak Ansari, S/o- Anwar Ansari, Resident of Village- Kalyanpur, P.S.-
Kotwa, Distt- East Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Hasina Khatoon, D/o- Ali Hasan Ansari, Resident of Village- Kalyanpur
Vrit, P.S.-Kotwa, Distt- East Champaran

... .. Opposite Party/s

Appearance :

For the Petitioner	:	Mr. Binod Kumar Mishra, Advocate
For the State	:	Mr. Shantanu Kumar, APP
For the Informant	:	Ms. Ankita

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

4 08-04-2025 Heard Mr. Binod Kumar Mishra, learned counsel for
the petitioner, Ms. Ankita, learned counsel for the informant and
Mr. Shantanu Kumar, learned APP for the State.

2. The petitioner has prayed for bail in connection
with Kotwa P.S. Case No. 326 of 2023 registered for the offence
punishable under Sections 376 and 34 of the Indian Penal Code
and Sections 3/ 4 of the POCSO Act.

3. The case of the prosecution is that the petitioner has
established physical relationship with the victim/informant who
is minor and he further promised to marriage. It is further
alleged that on 29.08.2023 at 11 P.M., the petitioner entered in
the house of the informant and established physical relationship



forcefully. After that, the victim told him to marry her. On this, the petitioner denied.

4. Learned counsel appearing on behalf of the petitioner has submitted that petitioner is innocent and has committed no offence. He has been falsely implicated in this case. From perusal of the F.I.R. itself it is clear that prior to the occurrence as well the petitioner was having physical relationship with the victim and that on the date of the occurrence when the petitioner entered in the house of the informant, she did not raise any alarm. The victim has given her statement under Section 164 of the Cr.P.C. wherein she has stated that the petitioner has established physical relationship on the false promise of marriage. From perusal of the statement of the victim, it is clear that after physical relationship when the victim told the petitioner to marry, he denied, it means there was no promise to prior to the intercourse. It has also been stated by the victim that a *panchayati* has also taken place. The learned counsel for the petitioner has submitted that both the parties are neighbours and there is dispute between the parties. From perusal of medical report also, it transpires that the doctor has found no injury on any part of the victim's body and as per the medical examination, the age of the victim was assessed to be



18-19 years. A statement has been made in para 3 of the petition that petitioner has no criminal antecedent. He is languishing in judicial custody since 14.05.2024.

5. The application for bail is opposed by learned APP for the State and learned counsel for the informant.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case, this Court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned 6th Additional Sessions Judge-cum-Special Judge, POCSO Act, East Champaran, Motihari in connection with Kotwa P.S. Case No. 326 of 2023.

(Ashok Kumar Pandey, J)

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