

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78716 of 2024

Arising Out of PS. Case No.-126 Year-2024 Thana- JHANJHARPUR District- Madhubani

Kajim Ansari S/o Wahid Ansari R/o Village- Godhanpur, P.S.- Jhanjharpur,
District- Madhubani

... .. Petitioner/s

Versus

1. The State of Bihar
2. Lalita Devi wife of Bechan Mukhiya Resident of Village- Sukhet (Suket),
P.S.- Jhanjharpur, Distt.- Madhubani

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jitendra Kumar Bharti, Advocate
For the Opposite Party/s : Mr. Ram Bilash Roy Raman, APP

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

ORAL ORDER

3 28-01-2025 Heard learned counsel for the petitioner and learned APP
for the State. Perused the case diary.

2. The petitioner seeks bail in connection with
Jhanjharpur P.S. Case No. 126 of 2024 instituted for the offence
under Section 64 of the Bharatiya Nyaya Sanhita, 2023 and
Section 4 of the POCSO Act.

3. Prosecution case in short is that daughter of the
informant - who takes coaching at the house of the petitioner
-has been subjected to establishing wrong relationship by the
petitioner for many years on the pretext of marriage.

4. It has been submitted on behalf of the petitioner
that the petitioner is in custody since 27-04-2024. 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. Informant is the mother of the victim. No such occurrence as alleged in the FIR has even taken place. No complain was lodged against the petitioner as the allegation is of establishing wrong relationship since five years. Victim in her statement recorded under Section 183 of the BNSS, 2023, has categorically stated that she was in love with the petitioner, established relation with her own volition. Medical report also does not suggest any medical evidence of sexual assault. Police after investigation has submitted charge sheet in this case.

6. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner. It is submitted that witnesses have supported the prosecution case and there is serious allegation levelled against the petitioner.

7. Considering the aforesaid facts and circumstances of the case, period of custody of the petitioner, there being no cogent material against the petitioner and charge sheet being submitted, this Court is inclined to grant bail to the petitioner.

8. Let the petitioner be released on bail on



furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Jhanjharpur P.S. Case No. 126 of 2024, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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