

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79658 of 2024

Arising Out of PS. Case No.-667 Year-2024 Thana- AURANGABAD TOWN District-
Aurangabad

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Hanan Ahmad @ Chhotu Son of Muiluddin Ansari @ Muhiluddin Ansari @
Mohinuddin Mohalla- Aajad Nagar, Tikari more, P.S.- Town, District-
Aurangabad, Bihar

... .. Petitioner

Versus

1. The State of Bihar
2. Rita Verma Wife of Binod Mehta R/O Vill.- Simra P.S.- Simra, District-
Aurangabad, Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mrs.Rupa Kumari, Advocate
For the Opposite Party/s : Mr.Choubey Jawahar,APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 22-01-2025 Heard learned counsel appearing on behalf of the

petitioner and learned A.P.P. for the State.

2. Petitioner seeks bail in connection with POCSO

G.R. No. 162/2024 arising out of Town P.S. Case No. 667 of

2024 registered for the offences under Sections 76 of the

Bhartiya Nyay Sanhita, 2023 (in short 'B.N.S.') and Section

8 & 12 of the POCSO Act.

3. The petitioner is named in the First Information

Report and is in custody since 20.09.2024.

4. Allegation against the petitioner is to use criminal

force as to disrobe the daughter of the informant while she



was returning after online filing of intermediate examination application from nearby Cyber cafe.

5. It is submitted by learned counsel appearing on behalf of the petitioner that from bare perusal of the F.I.R. and also from statement of the victim recorded under Section 164 Cr.P.C., it nowhere appears that the criminal force was used by the petitioner with intention to disrobe her. It is further submitted that victim herself refused to join medical examination.

6. While concluding argument, it is submitted that investigation has been completed and charge-sheet has already submitted and, as such, there is no chance of tampering with the evidence. It is submitted that petitioner is a man of clean antecedent.

7. Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

8. Considering the aforesaid factual submission and by taking note of the fact that F.I.R. negate on its face any prima-facie allegation to use criminal force *qua* victim as to disrobe her, coupled with the fact that petitioner is in custody



since 20.09.2024, where investigation of this case is already completed, accordingly, above-named petitioner is directed to be released on bail, furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand only) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-VI-cum- Special Exclusive Judge (POCSO), Aurangabad, Bihar/concerned court, in connection with POCSO G.R. No. 162/2024 arising out of Town P.S. Case No. 667 of 2024, subject to the condition as laid down under Section 437(3) Cr.P.C/Section 480(3) of the Bhartiya Nyaya Suraksha Sanhita (in short “B.N.S.S.”).

(Chandra Shekhar Jha, J)

Rajeev/-

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