

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.82522 of 2024**

Arising Out of PS. Case No.-24 Year-2024 Thana- Badem P.S. District- Aurangabad

Chhotu Ansari @ Md. Shamsad Ansari S/o- Late Khurshid Ansari Village-  
Badem, PS- Badem, District- Aurangabad

... .. Petitioner/s

Versus

1. The State of Bihar
2. Nasim Abbasi S/o- Late Musan Miya Village- Badem, PS- Badem, District-  
Aurangabad

... .. Opposite Party/s

**Appearance :**

|                          |   |                                |
|--------------------------|---|--------------------------------|
| For the Petitioner/s     | : | Mr. Anirudh Kumar Verma, Adv.  |
| For the Opposite Party/s | : | Mr. Murli Dhar, APP            |
| For the O.P. No.2        | : | Mr. Ashok Singh, Adv.          |
|                          |   | Mr. Abhishek Kumar Singh, Adv. |

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

ORAL ORDER

3      19-02-2025                      Heard learned counsel for the petitioner and learned  
  
APP for the State as also learned counsel for the Informant.  
  
Perused the case diary.

2. The petitioner seeks bail in connection with Badem  
P.S. Case No. 24 of 2024 instituted for the offences under  
Sections 341, 323, 504 and 376/34 of the Indian Penal Code and  
Section 4/6 of the POCSO Act.

3. As per prosecution case, the accusation against the  
petitioner is of taking away the minor victim girl and  
committing rape with her.

4. Learned counsel for the petitioner submits that the



petitioner is innocent and he has been falsely implicated in the present case with false and frivolous allegations. The petitioner has not committed any offence as alleged in the F.I.R. From perusal of the medical report, it appears that the doctor has assessed the age of the victim girl in between 16-18 years. There was a love affair between the petitioner and the victim girl. Not a single independent witness has raised any specific allegation against the petitioner. The medical report does not support the prosecution case. The petitioner has no criminal antecedent and is languishing in judicial custody since 12.06.2024 without any rhymes or reason. Charge-sheet has been submitted in this case.

5. On the other hand, learned A.P.P. for the State and the Informant have vehemently opposed the prayer for grant of bail to the petitioner, stating that the offence alleged against the petitioner is serious in nature. The victim girl is minor. The Investigating Officer has submitted charge-sheet against the petitioner under Sections 341, 323, 504 and 376/34 of the Indian Penal Code and Section 4/6 of the POCSO Act. The victim girl in the statement recorded under Section 164 of the Cr.P.C. has made allegation against the petitioner of taking her away and commission sexual assault with her. The petitioner is named in the F.I.R. and, hence, he does not deserve bail. The investigation



is pending.

6. Having heard learned counsel for the parties and considering the nature and gravity of the offence as also taking into account the statement of the minor victim girl recorded under Section 164 Cr.P.C., this Court is not inclined to grant bail to the petitioner at this stage.

7. Accordingly, the prayer for bail of the petitioner, above named, is rejected with a direction to the court below to expedite the trial and conclude the same expeditiously.

**(Rudra Prakash Mishra, J)**

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