

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.87093 of 2024

Arising Out of PS. Case No.-451 Year-2024 Thana- MUFFASIL District- West Champaran

Jahangir Ansari @ Jahangir Alam @ Jahangir Khan S/O Thag Miya @ Thag Ansari R/O Village-Ward no 13 Tikuliya, PS- Chanpatia, District- West Champaran

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Md Nathuni S/O Late Md Isak @ Late Mohamad Ishak R/O Village-Beldari, PS- Muffasil Bettiah, Distt-West Champaran

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Umesh Kumar Gupta, Advocate
For the Informant	:	Mr. Sharad Kumar Verma, Advocate
For the Opposite Party/s	:	Mr. Pramod Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

6 04-07-2025 Heard Mr. Umesh Kumar Gupta, the learned counsel for the petitioner, Mr. Sharad Kumar Verma, the learned counsel for the informant and Mr. Pramod Kumar Pandey, the learned A.P.P for the State.

2. The petitioner has preferred this application for grant of regular bail in a case registered for the offences punishable u/s 137(2), 64(1), 3(5) of the B.N.S. and Section 4 of the POCSO Act.

3. As per the prosecution case, on 13.08.2024 at about 10:00 A.M., the daughter of the informant was lured by this petitioner and had hidden her in his house. It was further alleged that the wife of this petitioner, namely, Muskan Khatoon was



instrumental in keeping the victim girl confined within the house and she had helped this petitioner to commit rape upon the daughter of the informant.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. Learned counsel has further submitted that the victim girl in her statement made u/s 180 and 183 of the BNSS, had stated that she had gone on her own will, however, she had alleged that this petitioner had committed rape while Muskan Khan, wife of this petitioner was said to have locked the door. Learned counsel for the petitioner has drawn the attention of this Court toward the medical report of the victim girl which was prepared within 24 hours wherein it is stated that there is no recent sign of sexual activity, which falsifies the claim made in the FIR as well as the statement given by the victim. Lastly, it has been submitted that the petitioner has antecedents of five criminal cases and is in custody since 18.08.2024.

5. Learned counsel for the informant and learned APP for the State vehemently opposed the prayer for bail of the petitioner and have stated that this petitioner with the help of his wife committed rape upon the victim girl, hence prayer for bail of the petitioner be rejected.



6. Considering the aforesaid submissions of the parties and taking into account the fact that the medical report does not substantiate the allegation which has been made by the informant as well as the victim coupled with the fact that the petitioner is in custody since 18.08.2024, let the petitioner above-named, be enlarged on bail upon furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/concerned court, in connection with Bettiah Mufassil P.S. Case No. 451 of 2024 subject to the following conditions :

a. If the petitioner is found to have to influence the witness or the victim or the informant, the prosecution shall be at liberty to move the learned court below for cancellation of his bail.

b. One of the bailors of the petitioner shall be his close relative.

c. The petitioner shall remain physically present in Court on each date of the trial.

d. In case of absence on two consecutive dates, or in violation of the terms of the bail and if the prosecution is found involvement of the petitioner in similar nature of offence, the bail bond of the petitioner will be liable to be canceled by the Court



concerned.

e. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

7. It is made clear that the observations, if any, made in this order, shall be of no bearing during the trial.

(Sourendra Pandey, J)

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