

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84418 of 2025

Arising Out of PS. Case No.-238 Year-2020 Thana- MANJHI District- Saran

Tamzed Ansari @ Tamzed Hussain @ Tamjeed Hussain, Son of Gul
Mohammad, Resident of - Katokhar, Molnapur, P.S.- Manjhi, District - Saran
at Chapra

... .. Petitioner/s

Versus

1. The State of Bihar
2. X Son of Y Resident of village - Katokhar, P.S.- Manjhi, Dist.- Saran at
Chapra

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Chandra Mohan Jha, Adv.
For the Opposite Party/s : Mr. Narsingh Tanti, Adv.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 03-12-2025 Heard learned Advocate appearing on behalf of the

petitioner and the learned Additional Public Prosecutor for the

State.

2. The petitioner apprehends his arrest in connection
with Manjhi P.S. Case No. 238 of 2020, registered for the
offences punishable under Sections 147, 148, 323, 307, 376 and
511 of the Indian Penal Code and Section 3(r)(s) of the SC/ST
Act.

3. Allegedly on the fateful day while the daughter of
the informant was going to attend coaching classes, in the



meanwhile, all the FIR named accused persons surrounded his daughter and started teasing her by showing obscene videos. When the same was protested by the victim, the accused persons caught hold her hand and tried to commit rape. This incidence led to ruckus amongst the parties of different religion and thereupon all the accused persons including the petitioner assaulted and abused the victim and others by taking their caste name.

4. Learned Advocate appearing on behalf of the petitioner submitted that surprisingly the FIR has been instituted against fifty-two named accused persons alongwith 40-50 unknown persons. In fact, on account of a communal disharmony, the present FIR has been instituted by making a frivolous allegation against the petitioners and other accused persons of the same community. It is further contended that the accusation, as available through the FIR, is based upon secondary electronic evidence, for which mandatory certificate under Section 65(B) of the Indian Evidence Act is required, which has not been obtained during the course of investigation. The petitioner was not even knowing with respect to the lodging of the FIR and, as such, delay has occurred. The petitioner bears fair antecedent. It has further contended that later on during the course of investigation



once the investigating officer has found the victim as minor, the case has been referred to Court of learned Exclusive Special Additional Sessions Judge, POCSO and, as such, the present application for anticipatory bail.

5. On the other hand, learned Advocate for the State opposed the pre-arrest bail application.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that besides omnibus allegation against fifty-two named accused persons and the petitioner bears fair antecedent, other co-accused persons facing identical allegation have been allowed privilege of anticipatory bail by a Bench of this Court in Criminal Miscellaneous No. 59815 of 2024 vide order dated 27.01.2025, let the petitioner above named be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Additional Sessions cum Special Judge POCSO, Saran at Chapra in connection with Manjhi P.S. Case No. 238 of 2020, subject to the conditions laid down in Section 482(2) of the Bharatiya Nagrik Suraksha



Sanhita, 2023 with the further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

supratim/-

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