

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 5757 of 2016

Arising Out of PS.Case No. -25 Year- 2014 Thana -KUDHANI District- BHABHUA (KAIMUR)

Mubarak Ansari, Son of Late Idrish Ansari, Resident of Village - Sobhipur,
Police Station - Kargahar, District - Rohtas.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner : Mr. Prabhakar Jha

For the Opposite Party : Mr. Bharat Bhushan(APP)

CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 01-04-2016 Heard learned counsel for the petitioner, learned
counsel for the informant and the learned A.P.P. representing the
State.

The petitioner seeks bail in connection with Kudhani
P.S Case No. 25 of 2014 registered for the offences punishable
under Sections 302/ 34 of the Indian Penal Code and Section 27 of
the Arms Act.

Allegedly, the petitioner and other three co-accused
persons came on motorcycle having armed with *Katta* and
revolver, co-accused Badsah Ansari gave order to kill the father of
the informant and then co-accused Bechan Ansari opened fire
which pass out through temporal region and then the petitioner
opened fire with an intention to kill which hit in his left hand and

Badsah Ansari shot which hit in the head and further Sahabuddin Ansari opened fire on the informant which did not hit. The father of the informant died at Mohaniya hospital, .

Submission is of false implication and that from earlier, Title Suit is going on between the parties, the petitioner has got no criminal antecedent and as per allegation, assailant is Badsah Ansari and not the petitioner and, as such, the petitioner suffering in custody since 07.09.2015, deserves sympathetic consideration, to which the learned APP duly assisted by the learned counsel for the informant opposes by submitting that medical evidence is consistent with the prosecution version and petitioner is also one of the assailants. The prayer of bail of co-accused Bechan Ansari has also been rejected by another co-ordinate Bench of this Court.

In the facts and circumstances stated above, considering that the allegation is serious in nature, and as such, I am not inclined to enlarge the petitioner on bail and accordingly, his such prayer stands rejected.

(Jitendra Mohan Sharma, J.)

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