

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.8964 of 2016

Arising Out of PS.Case No. -20 Year- 2015 Thana -KATORIA District- BANKA

=====

Ehshan Ansari Son of Late Sahid Ansari, resident of village- Chihatjore,
P.S.- Katoriya (Suiya), District- Banka

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

=====

Appearance :

For the Petitioner/s : Mr. Praveen Kumar, Advocate

For the Opposite Party/s : Mr. G.S.Gupta(App)

=====

CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

2 25-04-2016 Heard the learned counsel for the petitioner as well as

the learned A.P.P. for the State.

The petitioner seeks bail in a case for the offences punishable under sections 364, 302, 201 and 120(B)/34 of the Indian Penal Code.

Allegedly, the father of the informant proceeded to go to Banka on 21.01.2015 at about 6:30 AM, but he did not return and then Sanha was lodged on 23.01.2015 at Suiya P.S. Akhtar Ansari had seen the father of the petitioner going and further he has seen the petitioner and other co-accused hiding in a bush and at a some distance Alauddin Ansari, Nehali Mian and the wife of Katki Mian were also sitting and thereafter headless dead body of the father of the informant was found buried and his hands

and legs were also found buried in the earth. It is alleged that due to earlier dispute, the petitioner and other FIR named accused persons have killed him. During investigation the mobile of the deceased was recovered from the house of Nehali Mian.

Submission is of false implication and that the petitioner has been made victim of the circumstance, prosecution story appears not probable and reliable, in Sanha the petitioner is not named, due to earlier dispute the petitioner has been implicated. There is no legal and cogent material against the petitioner and he is suffering in custody since 20.11.2015.

Learned A.P.P. opposes the prayer of bail by submitting that the petitioner has got criminal antecedent and earlier an attempt was made to kill the deceased and as such there was strong motive and the petitioner does not deserve bail.

In the facts and circumstances stated above, considering that the petitioner is not named in the Sanha and further the mobile of the deceased was not recovered from possession of the petitioner and as such the petitioner, above named, is directed to be released on bail on execution of bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Banka in connection with Katoriya (Suiya) P.S. Case No.20 of 2015, subject

to the conditions that one of the bailors must be near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

(Jitendra Mohan Sharma, J)

N.H./-

U		T	
---	--	---	--