

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.55875 of 2015

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

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1. Kamruddin Ansari, S/o- Late Sahid Ansari, resident of :- Village-
Chihatjore, P.S.- Katoriya (Suiya), District- Banka.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Praveen Kumar

For the Opposite Party/s : Mr. Khurshid Anwar (App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA
ORAL ORDER

3 10-02-2016 Heard learned counsel for the petitioner and learned
A.P.P. representing the State.

The petitioner seeks bail in connection with Katoriya
(Suiya) P.S. Case No. 20 of 2015 registered for the offences
punishable under Sections 364, 302, 201, 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 has seen the father of the petitioner going and
further 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 and 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 which is mentioned in para 4 of the case diary 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 15.09.2015 and as such he deserves sympathetic consideration to which learned A.P.P. duly assisted by learned counsel for the informant opposes by submitting that the petitioner has got criminal antecedent and earlier an attempt was made to kill the deceased and in that case the petitioner is also an accused and there was strong motive and as such the petitioner does not deserves bail.

In the facts and circumstances stated above, considering that the petitioner is not named in the Sanha which is mentioned in para 4 of the case diary and further the mobile of the deceased was not recovered from possession of the petitioner rather from the

house of co-accused Nehali Mian and as such considering the period of detention, the petitioner 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 the Learned C.J.M., 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)

siddharth/-

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