

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.6417 of 2017

Arising Out of PS.Case No. -221 Year- 2016 Thana -KATEYA District- GOPALGANJ

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1. Nasrudin Ansari @ Sahalu @ Nasaruddin Ansari Son of Manshi Miyan
Resident of Village- Amahi Banke, P.S.- Kateya, District- Gopalganj.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Pandey No-5, Advocate

For the Opposite Party/s : Mr. Vinod Shankar Modi, A.P.P.

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 15-03-2017 Heard learned counsel for the petitioner, learned
counsel for the informant and learned A.P.P. for the State.

The petitioner is languishing in jail since 08.09.2016 in
a case registered for offences punishable under Sections 302/34 of
the Indian Penal Code.

The prosecution case as lodged by the informant is that
his son was found murdered and it is alleged that he used to stay in
the company of four other F.I.R. named accused persons, who
have killed him.

Learned counsel for the petitioner submits that he is
innocent, has no criminal history and only co-accused persons
namely, Awadhesh Baitha and Mustaque Ansari @ Muskan, who
have confessed their guilt and named the petitioner that the



petitioner has been made accused and the confession of the co-accused, has no evidentiary value in the eye of law. He submits that there is no eye witness to the alleged occurrence and the petitioner has been made accused on the ground of suspicion. It is further submitted that charge sheet has been submitted, hence there is no chance of tampering with the prosecution evidence.

However, learned counsel appearing on behalf of the informant submits that the son of the informant has been brutally murdered by the petitioner and other accused persons, which is evident from Postmortem report and vehemently opposes the prayer for bail.

Learned counsel for the State submits that the petitioner is named in the F.I.R., hence, opposes the prayer for bail.

Considering the facts and circumstances of the case that another co-accused, who has been named in the confessional statement, has since been granted the privilege of bail by a Coordinate Bench of this Court in Cr. Misc. No. 2565 of 2017 dated 02.03.2017, let the petitioner above named, be released on bail on furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate - XV, Gopalganj in



connection with Kateya P. S. Case No. 221 of 2016 (G.R. No. 2781 of 2016) with a condition that one of the bailors would be a close relative of the petitioner and the other bailor would have sufficient immovable property within the jurisdiction of the concerned police station/ Court and the petitioner is directed to appear before the learned Court below on each and every date and failure to appear before the Court below on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.

(Nilu Agrawal, J)

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