

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.56442 of 2017

Arising Out of PS.Case No. -90 Year- 2017 Thana -RAMNAGAR District-
WESTCHAMPARAN(BETTIAH)

- =====
1. Meer Hassan Ansari, Son of Late Deen Mohammad Ansari
 2. Allauddin Ansari, Son of Meer Hassan Ansari Both Resident of Village-
Dainmarwa, Police Station-Ramnagar, District-West Champaran at
Bettiah

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Raghunandan Kumar Singh

For the Opposite Party/s : Mr. Sri Ajay Kumar Jha

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 22-11-2017 Heard learned counsel for the petitioners, learned
counsel for the informant and learned APP for the State.

Petitioners are languishing in judicial custody since
04.04.2017 in connection with S. Tr. No. 552 of 2017 arising
out of Ramnagar P.S. Case No. 90 of 2017 for offences
punishable under Sections 323, 341, 307, 504/34, 120B of the
Indian Penal Code and Section 27 of the Arms Act.

The prosecution case, as lodged by the informant, is
that while he had gone to enquire about cutting of the mango



tree, the petitioners along with one Upendra Pandey starting indiscriminate firing on which six school going children and three of the informant's side sustained firearm injuries.

It has been submitted by the learned counsel for the petitioners that they are innocent and for the same occurrence another case bearing Ramnagar P.S. Case No. 91 of 2017 was instituted in which they have been granted the privilege of bail by a co-ordinate Bench of this Court in Cr. Misc. No. 47821 of 2017 on 11.10.2017. He submits that the petitioners have been falsely implicated due to previous rivalry and that charges have already been framed on 07.11.2017, trial has commenced and they undertake to co-operate in the trial on day to day basis.

However, learned counsel for the informant vehemently opposes the prayer for bail stating therein that the petitioners do not have a clean antecedent and as many as three cases are pending against them and indiscriminate firing was done in open market on which six school going children and three others were seriously injured. He submits that the trial has commenced and one witness has already been examined. Earlier, the bail application of the petitioners was rejected by this Court in Cr. Misc. No. 29129 of 2017 on



07.09.2017 with an observation that the petitioner may renew their prayer for bail after framing of charge.

Learned APP for the State also opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, let petitioners, above named, be enlarged on bail on furnishing bail bonds of Rs.10,000/-(Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-IIInd, Bagaha, District-West Champaran at Bettiah in connection with S. Tr. No. 552 of 2017 arising out of Ramnagar P.S. Case No. 90 of 2017, subject to the conditions that:

- (1) Both bailors would be close relative of the petitioners having sufficient immovable property within the jurisdiction of the concerned police station/ court, who will file an affidavit stating their relationship with the petitioners.
- (2) Petitioners will co-operate in the trial on day to day basis and appear before the learned court below as and when required and failure to appear on two consecutive dates without



assigning any reason will entail cancellation
of their bail bonds.

(Nilu Agrawal, J)

Devendra/-

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