

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.14360 of 2017

Arising Out of PS.Case No. -269 Year- 2016 Thana -HARSIDHI District-
EASTCHAMPARAN(MOTIHARI)

- =====
1. Jakir Ansari @ Jakir Hussain,
 2. Sadir Ansari @ Sadir Hussain, both are son of Mahboob Alam, resident of village- Ram Nagar, Police Station- Harsidhi, District- East Champaran.
 3. Mustafa Ansari, son of Ebrahim Ansari, resident of village- Parsutiya, Police Station- Majhauria, District- West Champaran.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Md. Irshad, Advocate

For the Opposite Party/s : Mr. Suresh Prasad Singh, APP
Mr. Sanjiv Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

4/ 26-07-2017

Heard learned counsel for the Petitioners and the State as well as counsel appearing on behalf of the informant.

The Petitioners apprehend their arrest in Harsidhi P.S. Case No.269 of 2016 instituted for the offence under Section(s) 302, 201/34 Indian Penal Code.

It has been submitted on behalf of the petitioners that other accused with similar allegation has been granted bail by this Court vide order dated 25.04.2017 passed in Cr. Misc. No.12165 of 2017.

There is allegation in the written report that co-accused, Mahboob and Mansoor took the husband of the



informant for work. Thereafter, the informant received information through *Choukidar* that dead body of her husband is lying in bush near Ramnagar Canal. The informant has raised suspicion against these petitioners of committing murder of her husband along with co-accused, Mahboob and Mansoor, by throttling.

Case diary has been received. Learned APP has submitted that the name of these petitioners have been taken by the witnesses that they had been taking the dead body of husband of the informant.

Post Mortem Report is available in the case diary, wherein, cause of death has been mentioned as acute heart failure. As such, there is mere suspicion against the petitioners.

In the facts and circumstances of the case, prayer of the petitioners for grant of anticipatory bail is allowed. In the event of surrender/arrest of the petitioners, named above, within six weeks from today in connection with Harsidhi P.S. Case No.269 of 2016, they shall be released on anticipatory bail on furnishing bail bond of ₹10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Motihari, subject to the conditions as laid down under Section 438(2) Cr. P. C. with further conditions (1)



bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioners shall cooperate in the trial and shall be present on each and every date fixed by the court and absence on two consecutive dates without proper and reasonable reason will automatically cancel bail bond of the petitioners and (3) if petitioners tamper with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioners.

(Sanjay Priya, J)

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