

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45988 of 2017

Arising Out of PS.Case No. -499 Year- 2015 Thana -SITAMARHI District- SITAMARHI

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1. Md. Anish Ansari @ Anish Ansari son of Taslim Ansari resident of village Narga, P.S. Bela, District Sitamarhi.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Hans Lal Kumar, Adv

For the Opposite Party/s : Mr. Md. Sufiyan, APP

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CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

3 09-11-2017 Heard learned counsel for the petitioner as well as learned APP.

Informant along with his brother and nephew while returning from their shop were followed by criminals. Perceiving the same they were about to turn, during course thereof, miscreants fired causing injury to nephew as well as brother of the informant out of whom, nephew died. Accordingly, FIR was registered.

The second scenario reveals that after hearing sound of firing, villagers chased the miscreants who after leaving their motorcycle moved hither and thither and during course thereof, three miscreants were apprehended by the villagers who were also assaulted and met with death while the other succeeded in his escape. Both the two motorcycles were seized and for that on the



Fard-e-beyan of Chaukidar FIR was registered against unknown bearing Sitamarhi PS Case No. 500/2015.

The Investigating Officer traced out the Chasis and Engine number of both the motorcycles and then thereafter contacted DTO office. From para-83 of the case diary, it appears that the registration number of one of the vehicle happens to be BR-30F-7800 of which one Rakesh Sharma son of late Ram Jatan Sharma was the owner. He sold away the aforesaid vehicle to petitioner, Md. Anish Ansari and on the basis of sale letter, owner book was corrected substituting the name of Rakesh Sharma by the petitioner, Md. Anish Ansari. Statement of Rakesh Sharma is under para-85 of the case diary who had corroborated and further stated that he was the owner of the aforesaid motorcycle and sold it to Md. Anish Ansari. He had also shown photo copy of the sale letter as well as also endorsed that owner book has also been transferred.

There happens to be no explanation at the end of petitioner with regard to presence of the aforesaid motorcycle at the place of occurrence. It is also to be noted down that out of three miscreants, two were identified belonging to village, Naranga of which petitioner also happens to be inhabitant.

It has been submitted on behalf of petitioner that one



of the deceased had taken away his vehicle but, failed to disclose that when his vehicle was not returned and at least, the incident was known in its concerned, even then, absence of petitioner right from 2015 to his arrest relating to another case in the year 2017 is a circumstance that goes against him.

Consequent thereupon, prayer for bail is rejected.

(Aditya Kumar Trivedi, J)

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