

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.2565 of 2017

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

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Firoz Ansari @ Mian, S/o Ash Mohammad Ansari @ Mian R/o Village-
Amahi Banke, P.S.- Kateya, District- Gopalganj..... Petitioner

Versus

The State of Bihar. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Satyendra Rai

For the Opposite Party/s : Mr. Sri Shailendra Kumar -2

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**

ORAL ORDER

3 02-03-2017 Heard learned counsel for the petitioner and learned
counsel representing the State.

The petitioner seeks bail in connection with Kateya P.S.
Case No. 221 of 2016 registered for the offence punishable under
Sections 302/34 of the Indian Penal Code.

Allegedly, Vishal Thakur, the son of the informant, was
found murdered and it is alleged that he used to live in the
company of the petitioner and four other FIR named accused
persons and it reveals that they have killed him.

Submission is of false implication and that only on
suspicion the petitioner has been named, nothing has been
recovered from possession of the petitioner, it has not come during
investigation that the petitioner was seen in the company of the
deceased or anyone has seen the actual killing, two co-accused
Awadhesh Baitha and Mustaque Ansari confessing their guilt have



stated the name of the petitioner also which have got no evidentiary value in the eye of law and except that there is nothing against the petitioner. The petitioner is suffering in custody since 08.09.2016.

Learned APP opposes the prayer of bail by submitting that the petitioner is named in the first information report.

In the facts and circumstances stated above, considering that chargesheet has already been submitted and there is no chance of tampering with the prosecution evidence, the petitioner above named 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 Chief Judicial Magistrate, Gopalganj in connection with Kateya P.S. Case No. 221 of 2016, subject to the conditions that one of the bailors must be a 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)

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