

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28353 of 2017

Arising Out of PS.Case No. -411 Year- 2016 Thana -SIKARPUR District-
WESTCHAMPARAN(BETTIAH)

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1. GULLU AFAQUE ANSARI @ AFAK ANSARI @ GULLU@AFAQUE
HUSSAIN ANSARI, son of Zakir Ansari, resident of Village- Barwa
Barauli, Police Station- Shikarpur, District- West Champaran.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Zainul Abedin

For the Opposite Party/s : Mr. Smt. Pronati Singh

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 01-08-2017 Heard learned counsel for the petitioner, learned
counsel for the informant and learned APP for the State.

Petitioner is languishing in custody since 17.05.2017 in
connection with Shikarpur P.S. Case No. 411 of 2016 for offences
punishable under Sections 307 and other allied sections of the
Indian Penal Code and Section 27 of the Arms Act.

The prosecution case is that all the accused persons
named in the FIR, came at the house of the informant and gave
pressure on the wife of the informant to disburse the grains on the
basis of old illegal coupons. When protest was made by the son of
the informant, namely Sakil, Ahsan Ali Ansari fired upon him
which caused firearm injury on his hand. Thereafter, petitioner



fired on him which caused firearm injury on his abdomen, as a result he fell down on the ground. After hearing the noise, the wife of the informant came to rescue him then co-accused Ajmat Ali @ Sona fired on her, as a result she got injured. It is further alleged that when the informant came to rescue, the co-accused Zakir Ansari fired on him. The accused persons also damaged the Bolero vehicle parked in front of the house of the informant and looted several articles from his house.

It has been submitted by the learned counsel for the petitioner that he is innocent, bears no criminal history, the present case has been lodged due to rivalry between both the parties and a counter case has also been lodged by the petitioners' side bearing Shikarpur P.S. Case No. 212 of 2016 and that both parties have received injuries. The allegation upon the petitioner is of hitting by firearm in the abdomen of informant's son, Shakeel Ahmad but there is no injury report as such, the injured has been referred to PMCH but in spite of PMCH he was taken to a private hospital, namely, Sparsh Heritage Hospital. It has also been submitted that some of the co-accused persons have already been granted privilege of bail by other co-ordinate Benches of this Court in Cri. Misc. No. 54000/2016 on 28.01.2017 and in Cri. Misc. No. 540/2017 on 14.02.2017. He further submits that charge-sheet has



already been submitted and there is no allegation of tampering with the witnesses by the petitioner.

However, learned counsel appearing on behalf of the informant as well as the State vehemently opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, let petitioner, above named, be enlarged on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bettiah, West Champaran, in connection with Shikarpur P.S. Case No. 411 of 2016, subject to the condition that one of the bailors would be a close relative of the petitioner having sufficient immovable property within the jurisdiction of the concerned police station, who will file an affidavit stating his relationship with the petitioner.

(Nilu Agrawal, J)

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