

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48366 of 2017

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Heshamuddin Ansari @ Hashamuddin Ansari, Son of Late Idrish Ansari,
R/o Village- Kochadi, P.S.- Bhagwanpur, District- Kaimur at Bhabua.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Tribhuwan Narayan

For the Opposite Party/s : Smt. Pushpa Sinha, APP

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CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL
ORAL ORDER

5 21-12-2017 Heard learned counsels for the petitioner, informant
and APP for the State.

The petitioner seeks bail in connection with Bhabua
P.S. Case no. 346 of 2017 registered under Sections 302, 307/34
of the Indian Penal Code and 27 of the Arms Act.

Rustam Ansari on the order of Kayum Ansari
resorted firing upon the son of the informant namely, Ravikant
Pandey by means of pistol inflicting injury in his left shoulder.
When he rushed in his rescue, Muslim Ansari also resorted firing
upon Ravikant Pandey which hit in his left hand while Saddam
Ansari resorted firing upon the informant on his head by means
of country made pistol. In the meantime, the petitioner
Heshamuddin Ansari and other accused persons also resorted
firing. His son succumbed to his injury en route to B.H.U.



Hospital.

It is submitted by learned counsel for the petitioner that the petitioner does not happen to be assailant either of the informant or of his son. The allegation of resorting firing levelled against the petitioner is after sustaining injury by the informant and his son and that too general and omnibus in nature. It is further submitted that regarding the said occurrence, a co-villager who happens to be independent witness of the case has lodged the FIR in which the said independent witness has not named the petitioner in the occurrence. As a matter of fact, the informant has subsequently and with ulterior motive made the petitioner as an accused in the case as he happens to be relative of the other accused persons. The petitioner has been languishing in custody since 17.06.2017.

On the other hand, it is submitted by learned counsel for the informant that the petitioner has also shared common intention in the occurrence as he was also present at the place of occurrence and resorted firing and was also arrested near the place of occurrence.

In the facts and circumstances of the case, the above named petitioner is directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned



Chief Judicial Magistrate, Kaimur at Bhabua in connection with Bhabua P.S. Case no. 346 of 2017 with condition (1) one of the bailors shall be his own/close family member (2) The petitioner shall appear on each date fixed at the trial. In case of default in appearance on two consecutive dates, the trial court shall have liberty to cancel his bail bonds (3) If the petitioner tampers 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 petitioner.

(Prakash Chandra Jaiswal, J)

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