

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.52443 of 2017

Arising Out of PS.Case No. -94 Year- 2017 Thana -VIJAYPUR District- GOPALGANJ

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Khushbuddin Mansuri @ Ansari Son of Muzib Ansari Resident of village-
Musahari, P.S.- Vijaypur, District- Gopalganj

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pankaj Kumar Dubey, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Singh, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

4 17-01-2018 Heard learned counsel for the petitioner, learned
counsel for the informant and the learned APP for the State.

Petitioner is languishing in judicial custody in connection with Vijaypur P.S. Case No. 94 of 2017 registered for offences punishable under Sections 394 and 302 of the Indian Penal Code.

The prosecution case, as lodged by the informant, is that while he was returning after attending a barat-party, three accused persons intercepted him and one of them stabbed and during course of treatment, he succumbed to the injuries.

It has been submitted by the learned counsel for the petitioner that he is innocent, not named in the First Information



Report and his name surfaced only on the confessional statement of one Rajan Gond and his own confessional statement before the police, which has no evidentiary value in the eye of law. He submits that the petitioner has no criminal history and the main assailant is one Pankaj Kumar, who stabbed the deceased and the petitioner was one of his associates, who was driving the said motorcycle. He submits that one of the co-accused Abhishek Rai, who was also an associate, has been granted the privilege of bail by a coordinate Bench of this Court in Cr. Misc. No. 56389 of 2017 on 06.12.2017. He submits that charge-sheet has already been submitted and there is no allegation of tampering with the prosecution witnesses by the petitioner.

However, learned counsel for the informant and the learned APP for the State submit that bail application of one of the co-accused Sunil Kumar Singh @ Sunil Singh has been rejected in Cr. Misc. No. 43181 of 2017 on 13.11.2017, who was also one of the associates.

Considering the facts and circumstances and the materials on record since co-accused Sunil Kumar Singh @ Sunil Singh was alleged to be a liner and co-accused Abhishek Rai was an associate, let petitioner, above named, be enlarged on bail on



furnishing bail bond of Rs.10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of learned 4th Additional Chief Judicial Magistrate, Gopalganj in connection with Vijaypur P.S. Case No. 94 of 2017, subject to the following conditions:

- (1) Both the bailors would be a close relative of the petitioner having sufficient immovable property, who will file an affidavit stating their relationship with the petitioner.
- (2) The petitioner will appear before the learned Court below on each and every date and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.

(Nilu Agrawal, J.)

Arjun/-

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