

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.40901 of 2018

Arising Out of PS.Case No. -101 Year- 2016 Thana -MEERGANJ District- GOPALGANJ

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Abash Ansari @ Abbas Ansari, Son of Allauddin Ansari @ Allauddin
Miya, Resident of Village- Karariya Thakurai, P.S.- Phulwariya, District-
Gopalganj.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dhramveer

For the Opposite Party/s : Mr. Md. Arif

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 11-07-2018 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in judicial custody since
13.12.2016 in connection with Sessions Trial No. 228 of 2017
arising out of Mirganj P.S. Case No. 101 of 2016 for offences
punishable under Sections 395, 412, 414 of the Indian Penal Code
and Section 25(1-A), 26 (ii)/35 of the Arms Act.

The prosecution case, as lodged by the informant who
is driver of the Pickup Van, is that while he had loaded some
items, some miscreants had snatched those musical items and
during course of scuffle one of the miscreants was apprehended by
the police namely Bijendra Yadav who disclosed the names of his
four associates including the petitioner. From the possession of the
co-accused one loaded pistol was recovered along with a



stolen motorcycle.

It has been submitted by the learned counsel for the petitioner that he is innocent, not named in the F.I.R. and it is only on the basis of confessional statement of co-accused, he has been made accused and that some of co-accused named by the apprehended person have been granted the privilege of bail by coordinate Benches of this Court one being Cr. Misc. No. 37373 of 2017 vide order dated 07.08.2017. He submits that charge-sheet has already been submitted and there is no allegation of tampering of the prosecution witnesses by the petitioner.

However, learned APP for the State opposes the prayer for bail stating therein that the petitioner is a habitual offender and as many as 13 cases are pending against him mostly of similar nature.

Considering the facts and circumstances and the materials on record as well as the period of custody, 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 VIIIth, Additional District and Sessions Judge, Gopalganj in connection with Sessions Trial No. 228 of 2017 arising out of Mirganj P.S. Case No. 101 of 2016, subject to the conditions that:



- (1) One of the bailors would be a close relative of the petitioner having sufficient immovable property, who will file an affidavit stating his relationship with the petitioner.
- (2) Petitioner will appear before the learned court below during trial as and when required and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds. I
- (3) If the petitioner indulges in an offence of similar nature in future, the prosecution will be at liberty to move the learned court below for cancellation of his bail bonds.

(Nilu Agrawal, J)

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