

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38946 of 2018

Arising Out of PS. Case No.-35 Year-2018 Thana- ARA NAWADA District- Bhojpur

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Danish Ansari, Son of Monajib Ansari @ Md. Mojiburrahman, resident of
village- Belaur, P.S. Udwant Nagar, District- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sada Nand Roy

For the Opposite Party/s : Mr. Umesh Lal Verma

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 10-07-2018 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in judicial custody since
16.01.2018 in connection with Ara Nawada P.S. Case No. 35/18
for offences punishable under Sections 399, 402, 120-B of the
Indian Penal Code and Section 25(1-b)a, 26, 35 of the Arms Act.

The prosecution case, as lodged by the police
personnel, is that on information that some criminals are
planning to commit crime, the police raided the house of one
Diwakar Kumar and arrested three persons including the
petitioner, while two managed to escape. From the possession of
each of the accused persons one country-made pistol and one
live cartridge was recovered. Accordingly, a seizure-list was
prepared.



It has been submitted by the learned counsel for the petitioner that he is innocent, bears no criminal history and has been falsely implicated in the aforesaid case. He submits that no overt act has been alleged to have been committed by the petitioner, charge-sheet has already been submitted and one of the co-accused has already been granted the privilege of bail by a coordinate Bench of this Court in Cr. Misc. No. 27925 of 2018 vide order dated 08.05.2018 on similar allegations.

However, learned APP for the State 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, Bhojpur at Ara, in connection with Ara Nawada P.S. Case No. 35/18, subject to the following conditions :

- (i) 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.
- (ii) 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)

Rajesh/Pragya

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