

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45185 of 2017

Arising Out of PS.Case No. -1413 Year- 2012 Thana -COMPLAINT CASE District- JAMUI

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Md. Anul Ansari, son of late Suleman Mian, resident of Mahua Tarh Islampur, Police Station- Khaira, District- Jamui.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Shahzadi Khatun, W/o Md. Mohib Ansari, R/o Sitamadih (India), P.S.- Khaira, District- Jamui.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Satya Prakash Parasar, Adv.

For the Opposite Party/s : None

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

2 03-01-2018 Heard Mr. Satya Prakash Parasar, learned counsel appearing for the petitioner. There is no representation on behalf of the State.

This is 3rd round attempt made by the petitioner for anticipatory bail and it is in reference to the judgment and order of acquittal passed against a co-accused in the matter, a copy of which is annexed at Annexure 3 which, according to Mr. Parasar, is changed circumstance for moving again.

The prayer of the petitioner for anticipatory bail was earlier considered in Cr. Misc. No.18239 of 2015 and Cr. Misc. No.54466 of 2013 and vide orders present at Annexures 1 and 2 the petitioner was required to surrender and obtain bail.

In the meantime, the trial was initiated against other co-



accused namely, Md. Rashid Ansari who was alleged to have assaulted the complainant and the trial court taking note of the evidence on record including that of the complainant has been pleased to record a judgment and order of acquittal, a copy of which is placed at Annexure- 3. It is in reference to this development Mr. Parasar, learned counsel appearing for the petitioner submits that the only allegation against this petitioner is that of an order giver and that it is on his direction co-accused Md. Rashid Ansari has assaulted the complainant. He submits that the trial court taking note of the compromise petition did proceed on the non-compoundable offences but in absence of the evidence as recorded the judgment and order of acquittal has been passed against the main co-accused who had assaulted the complainant.

Having heard learned counsel for the parties and considering the judgment and order of the trial court in respect of co-accused who was alleged to have assaulted the complainant causing grievous injury leading to termination of pregnancy, the changed circumstances does persuade this Court to consider the prayer of the petitioner and as a consequence let the petitioner namely, Md. Anul Ansari in the event of his arrest or surrender within four weeks from today be released on bail on



furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Jamui in connection with Complaint Case No.1413 of 2012 subject to the conditions as laid down under section 438(2) of the Code of Criminal Procedure.

(Jyoti Saran, J)

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