

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32193 of 2018

Arising Out of PS. Case No.-25 Year-2014 Thana- KUDHNI District- Bhabhua (Kaimur)

Mubarak Ansari S/o Late Idrish Ansari resident of Village - Sobhipur, P.S. Karahgar, District Rohtas.

... .. Petitioner

Versus

The State of Bihar.

... .. Opposite Party

Appearance :

For the Petitioner	:	Mr. Krishna Prasad Singh, Sr. Adv.
	:	Mrs. Meena Singh, Adv.
For the Informant	:	Mr. Rajesh Kumar Pathak, Adv.
For the Opposite Party	:	Mr. Yogendra Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

3 18-08-2018 Heard learned counsel for the petitioner, learned counsel for the informant and learned counsel for the State.

The petitioner, who is in custody, seeks bail in connection with S. Tr. No. 238/15/392/15 arising out of Kudhani P.S. Case. No. 25 of 2014 registered for the offences punishable under Sections 302/34 of the Indian Penal Code and Section 27 of Arms Act.

Informant is the son of deceased, who in his fardbeyan has stated that on 11.12.2014 at about 5:00 P.M. when he was cultivating field then four accused persons on two motorcycles came there armed with country made pistol and Badsah Ansari ordered to kill, upon which Bechan Ansari fired upon father of informant. Allegation against the petitioner is also firing upon the father of informant which hit his left



forearm and allegation against Badsha Ansari is of firing on the head of his father which according to the postmortem report was proved to be fatal.

It has been submitted on behalf of the petitioner that he has been falsely implicated in this case due to land dispute between the parties. He has no criminal antecedent and he is in custody for last three years. Earlier also petitioner has approached this court for grant of regular bail but same was rejected in Cr. Misc. No. 5757 of 2016 vide order dated 01.04.2016 as contained in Annexure-1. Vide order dated 20.06.2018, the report was called for from the trial court regarding stage of trial, which has come and it has been reported that out of 12 charge-sheet witnesses, seven private witnesses have been examined and last date on which the witnesses were examined by prosecution was 27.04.2017 and thereafter despite issuance of N/B/W official witnesses have not appeared to depose before trial Court.

Considering the fact and circumstances of the present case and also considering that the injury caused by fire arms of the petitioner was not on the vital part of the body of deceased and he has no criminal antecedent and considering the period of custody of three years, let the petitioner named above



be released on bail upon furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-IV, Kaimur (Bhabhua) in connection with S. Tr. No. 283/15/392/15 arising out of Kudhani P.S. Case No. 25 of 2014 with following conditions:

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) The petitioner shall co-operate in the trial and shall be present on each and every date fixed by the court and his absence on two consecutive dates without proper and reasonable reason will be sufficient to cancel his bail bond.

(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.

(S. Kumar, J)

Rajiv/manoj

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