

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4206 of 2019

Arising Out of PS. Case No.-101 Year-2018 Thana- SAHAJITPUR District- Saran

Ekrrar Ansari, aged about 18 years, Male, Son of Azim Ansari @ Azim Miyan,
Resident of Village- Piprapati, P.S. Sahajitpur, District- Saran

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Harish Kumar

For the Opposite Party/s : Mr.Dr.Mrityunjaya Kr.Gautam

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 28-01-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is languishing in custody since 19.09.2018 in a case initially registered for the offences punishable under Sections 363/34 of the Indian Penal Code but subsequently Sections 302, 364, 201 of the IPC were also added.

The prosecution case as per the written report of Guddu Ansari dated 19.09.2018 submitted to the Station House Officer of Sahajitpur Police Station is to the effect that the informant's younger brother Chunnu Ansari alias Sheredil Ansari was working in a medical shop. On 18.09.2018 when the brother of the informant did not return from his work then the search was started and in between Kanth Chapra and Bahrauli



village on the road the sleeper of the informant's brother was found but he could not found. On the day of the occurrence, Sahid Akhtar, Imamuddin Ansari and the petitioner Ekrar Ansari went to the shop where the informant's brother was working and inquired about the time of his returning. Subsequently, Sabnam Khatoon came to the mother of the informant and conveyed about the miss-happening with Chunnu Ansari. It is also alleged that on the date of the occurrence, Shahid Akhtar, Imamuddin Ansari, petitioner Ekrar Ansari and Sabnam Khatoon were seen talking near the place of the occurrence, hence, it was alleged that since the FIR named accused persons threatened the brother of the informant since he was in love with Sabnam Khatoon, as a result, the brother of the informant has been killed. The FIR was lodged against ten accused persons including the petitioner. Subsequently, the dead body of the victim was recovered from a well and thereafter, Sections 302, 364 and 201 of the IPC were added.

It is submitted by learned counsel for the petitioner that only suspicion has been raised against the petitioner. There is no eye witness to the occurrence and petitioner is not connected with the family of Sabnam Khatoon, so he has no intention to commit the offence. A statement has been made in



paragraph 3 of the petitioner that the petitioner is not having any criminal antecedent.

Learned APP submits that the case is of circumstantial evidence and on conclusion of the investigation charge sheet has been submitted against the petitioner.

Considering the suspicious circumstantial nature of accusation and the investigation has already been concluded, coupled with the statement made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent, let the above named petitioner 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 learned A.C.J.M.-6, Saran at Chapra in connection with Sahajitpur P.S. Case No. 101 of 2018.

(Dinesh Kumar Singh, J)

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