

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60955 of 2019

Arising Out of PS. Case No.-261 Year-2017 Thana- GOPALGANJ TOWN District-
Gopalganj

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1. Jawed, S/o Akhtar Ansari, R/o Village- Bahora, Tola Khas Chhawahi, P.S.-
Manjhagarh, District- Gopalganj
 2. Qyam Ansari S/o Basir Ahamad
 3. Irshad @ Irshad Ansari @ Irshad Ali, S/o Amin Ansari
Both 2 and 3 are residents of village- Bhojpurwa, P.S.- Manjhagarh, District-
Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Javed Aslam

For the Opposite Party/s : Mr.Shailendra Kumar

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 28-11-2019 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners in this case are seeking anticipatory
bail in connection with Gopalganj Town P.S. Case No.261 of
2017 registered for the offences punishable under Sections 302
and 120(B) of the Indian Penal Code.

Learned counsel for the petitioners submits that the
petitioners are innocent and have falsely been implicated in this
case. Learned counsel submits that the petitioners are not named
in the FIR and their names have transpired during the
investigation.



Learned APP for the State is present and has opposed the prayer for anticipatory bail of the petitioners.

Considering the facts and circumstances of the case wherein it is found from the case diary that the involvement of petitioner no.1 and his active participation in the occurrence has been revealed and further it is the petitioner no.2 who had given a knife blow to the deceased, the prayer for anticipatory bail on behalf of the petitioner nos.1 and 2 is hereby rejected.

In case they surrender and pray for regular bail in the court below within a period of four weeks from today, their prayer for regular bail shall be considered on their own merit.

So far as petitioner no.3 is concerned, in course of hearing even learned counsel for the State has submitted that regarding him there is no material to connect with the present occurrence at this stage, considering this aspect of the matter, let the petitioner no. 3 in the event of his arrest or surrender within a period of four weeks from today, be enlarged on bail on furnishing of bail bonds of Rs. 15,000/- (fifteen thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Gopalganj in connection with Gopalganj Town P.S. Case No.261 of 2017, subject to the condition as laid down under Section 438 (2) of the Cr.P.C. i.e.



(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court.

(Rajeev Ranjan Prasad, J)

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