

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65602 of 2019

Arising Out of PS. Case No.-42 Year-2018 Thana- JAIPUR District- Banka

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Guddu Ansari Son of Qayum Ansari @ Kaum Uddin Miyan, Resident of
Village - Sirsana, P.S.- Katoria (Jaipur), District - Banka

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Brij Nandad Prasad, Advocate

For the Opposite Party/s : Mr.Aditya Narayan Singh.1, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 17-12-2019 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Petitioner in the present case is seeking regular bail in connection with Jaipur P.S. Case No. 42 of 2018 registered for the offences punishable under Sections 302 and 379/34 of the Indian Penal Code.

Learned counsel for the petitioner submits that earlier the wife of the deceased had given information of death of her husband which was registered as a case of unnatural death (U.D. case) in which informant has not raised any suspicion against the petitioner but 18 days thereafter filed a complaint case which was referred to police under Section 156(3) Cr.P.C. and a case has been registered. It is further submitted that the story narrated in the complaint case is quite different and has been



apparently made with an intention to falsely implicate the co-villagers. Petitioner is innocent and having committed no offence he is in custody since 08.07.2019. Learned counsel submits that the co-accused have been granted privilege of anticipatory bail and regular bail by the learned Co-ordinate Benches of this Court in Cr. Misc. No. 69912 of 2019 and Cr. Misc. No. 78039 of 2019

Learned A.P.P. for the State has opposed the prayer for bail.

Considering the facts and circumstances of the case, wherein it is the case of the petitioner that earlier the wife of the deceased had given information of death of her husband which was registered as a case of unnatural death (U.D. case) but 18 days thereafter filed a complaint case which was referred to police under Section 156(3) Cr.P.C. and a case has been registered, the story narrated in the complaint case is quite different and has been apparently made with an intention to falsely implicate the co-villagers and the co-accused have been granted privilege of anticipatory bail and regular bail by the learned Co-ordinate Benches of this Court in Cr. Misc. No. 69912 of 2019 and Cr. Misc. No. 78039 of 2019 as also that after perusal of the case diary learned A.P.P. for the State



submits that except suspicion no independent material is there in the case diary, let the petitioner above named be released on bail in connection with Jaipur P.S. Case No. 42 of 2018 on furnishing of bail bond of Rs. 15,000/- (fifteen thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-I, Banka, subject to the condition as laid down under Section 437 (3) Cr.P.C. as under :

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such 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 or tamper with the evidence.

(Rajeev Ranjan Prasad, J)

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