

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.69604 of 2018

Arising Out of PS. Case No.-17 Year-2018 Thana- MUFFASIL District- West Champaran

Samir Ansari @ Sagir Ansari @ Sabir Ansari S/o Jalim Ansari Resident of
Village-Lapatahi,P.S. Manuapul,Distt.-West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar

For the Opposite Party/s : Mr.Sri Upendra Kumar

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 10-01-2019 Heard the learned counsel for the petitioner and the
learned counsel for the State.

The petitioner seeks regular bail in connection with Bettiah Mufassil (Manuapul) PS case no. 17 of 2018 registered for the offence punishable under Sections 307, 376 and other sections of Indian Penal Code and Section 8 of POCSO Act

The allegation as per the written report of the informant is that the co-accused person namely Jakir Ansari was trying to outrage the modesty of the cousin sister of the informant and when the informant and others came there to free her from the clutches of the said co-accused person, he had called the other accused persons including the petitioner who then started assaulting the prosecutrix with rod and lathi. It is



further alleged that the deceased-uncle of the informant was assaulted by iron rod on the head by the co-accused person namely Jakir Ansari and the petitioner had also hit the uncle of the informant. Subsequently, the uncle of the informant had died during the course of the treatment.

The learned counsel for the petitioner has referred to the F.I.R. and the post mortem report and has submitted that the allegation of hitting on the head by iron rod is on the co-accused Jakir Ansari and as per the post mortem report also, the death has been caused due to head injury caused by hard and blunt substance and there is only one stitched wound over the right side frontal region of the head as far as the deceased is concerned, hence the death of the uncle of the informant is attributable to the said co-accused Jakir Ansari and the petitioner has got no role to play in the alleged incident. It is further submitted that as far as the petitioner is concerned, he has been falsely implicated in the present case, inasmuch as apart from the aforesaid injury on the head, no other injury has been found on the body of the deceased, which also falsifies the allegation of the prosecution. The petitioner is stated to be having a fair antecedent apart from one case, in which he is on bail. Lastly, it is submitted that the petitioner is languishing in



custody since 16.05.2018.

Having regard to the facts and circumstances of the case, I deem it fit and proper to enlarge the petitioner on regular bail.

Accordingly, the abovenamed petitioner is directed to be enlarged on regular bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Bettiah, West Champaran in connection with Bettiah Mufassil (Manuapul) PS case no. 17 of 2018.

(Mohit Kumar Shah, J)

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