

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78039 of 2019

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

NAUSAD ANSARI @ MD. NAUSAD ANSARI Son of Suleman Ansari @
Suleman Miyan Resident of Village- Sirsana, P.S.- Jaipur, District- Banka.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Brij Nandad Prasad

For the Opposite Party/s : Mr. Ahmad Ali

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 04-12-2019 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner seeks bail in a case registered for the
offence punishable under Sections 302, 379/34 of the I.P.C.

Learned counsel for the petitioner submits that the
husband of the informant was lying dead for which an
information was given by the informant to the police whereafter
U.D. Case No. 113 of 2018 was registered and post-mortem
examination of the body of the deceased was done. In U.D.
case, the informant did not raise any suspicion against any one
and she alleged that her husband was lying on the cot and when
she went there, he did not wake up. Thereafter, she became
suspicious and, thus, information was passed on to the police.
He further contended that though the alleged death of the



husband of informant had taken place on 17.08.2018, a complaint was filed belatedly on 04.09.2018 which was sent to the police in exercise of power under Section 156 (3) of the Code of Criminal Procedure by the Chief Judicial Magistrate, Banka pursuant to which F.I.R. has been instituted wherein changing the initial statement, a concocted story has been narrated.

Learned counsel for the petitioner submits that the petitioner is innocent and has not committed any offence. The petitioner is in custody since 27.08.2019,

Considering the submission especially the fact that for an occurrence of 17.08.2018, initially a U.D. case was instituted in which no suspicion was raised against the petitioner and belatedly a complaint was filed, which was sent to the police for investigation, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-I, Banka in connection with Jaipur P.S. Case No. 42/2018.

kamlesh/-

(Anjani Kumar Sharan, J)

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