

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20078 of 2020

Arising Out of PS. Case No.-558 Year-2018 Thana- JOGAPATTI District- West Champaran

JIYAUDDIN ANSARI @ ZEYAUDDIN Son of Reyazul Haque @ Reyazul Ansari Resident of Village-Dihi Dhabelwa, P.S.-Yogapatti, District-West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Sanjay Kumar
For the Opposite Party/s	:	Mr. A.G
For the informant	:	

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

4 08-07-2020 The Court proceeding has been conducted through virtual mode.

Since the physical Court is not functional due to the present pandemic, Covid-19, the matter has been listed with defects.

Learned counsel for the petitioner undertakes to remove the defects within a period of three weeks on resumption of physical court proceeding.

In case of non-removal of the defects within the undertaken period, the office will place the matter before the bench.

Heard learned counsel for the petitioner, informant and learned APP for the State.

The petitioner has renewed the prayer for bail in view of the



liberty granted to the petitioner to renew his prayer for bail after six months, vide order dated 18.12.2019 passed by a Co-ordinate bench of this Court in Criminal Miscellaneous No. 72604 of 2019, as contained in Annexure-5. Thereafter, vide order dated 29.06.2020, Hon'ble the Chief Justice directed the matter to be listed before another bench. Consequently, vide administrative minutes of Hon'ble the Chief Justice dated 06.07.2020, kept at 'flag-X', the matter has been listed before this Court.

The petitioner is languishing in custody sine 10.10.2019 in a case registered for the offences punishable under Sections 147, 149, 341, 323, 324, 354B, 307, 504, 506 of the Indian Penal Code, 1860 and Section 27 of the Arms Act, 1989.

The prosecution case got initiated on the Fardbeyan of Nurul Nesha, recorded by Jitendra Prasad Singh, S.I. Bettiah Town Police Station, is to the effect that on 14.11.2018 at 02.00 P.M., the informant was sitting near his door and in the nearby Madarsa, the District Education Programme Officer visited for making inquiry with regard to employment in the Madarsa, whereupon, the husband of the informant, namely, Md. Umar went to the Madarsa. In the meantime, co-accused, Ayub Ansari and Gulfan Miyan started assaulting the husband of the informant when the informant went to save her husband then, 11 accused persons, including the petitioner, came variously armed.



Thereafter, the District Education Officer started leaving the place. It is alleged that co-accused, Ayub Ansari resorted to fire from a country made pistol causing injury on the left leg of the informant. Thereafter, the petitioner assaulted with lathi causing injury on the left hand of the informant. Co-accused, Bagkhal Hodda, Hasam Miyan and the petitioner, Jiyauddin Ansari pushed the informant on the ground with bad intention and tore her clothes. Co-accused, Sallauddin Ansari assaulted with lathi causing injury on the right hand of the informant. The husband of the informant was caught hold of by co-accused, Md. Lal Mohammed Miyan whereupon all the accused persons assaulted him. On alarm being raised, the villagers came and saved the husband of the informant, leading to registration of the present case.

It is submitted by learned counsel for the petitioner that in fact the father-in-law of the informant used to be the Secretary of the said Madarsa and he made appointment of the son of his sister-in-law on the post of teacher fraudulently without giving information to the members of the committee and without following the norms of appointment, issued an appointment letter with forged signature of the appointing authorities. The relative of the petitioner, being Chairman of the Madarsa



Committee and the father of the petitioner being the member of the said Madarsa opposed such irregularity before the Madarsa board. Thereafter, an enquiry Committee was constituted by the Madarsa board and an FIR was also lodged against the accused persons, being Yogapatti P.S. Case No. 07 of 2018. In pursuance to the same, on the alleged date of occurrence, the District Education Officer had visited the said Madarsa for inquiry when the father-in-law of the informant in order to obstruct the inquiry, ordered the husband of the informant to shoot the relatives of the petitioner whereupon firing was resorted to in which, three persons were injured, leading to registration of Yogapatti P.S. Case No. 555 of 2018 and in order to save his own skin, the present case has been lodged with frivolous accusation by the informant. It is further submitted that the injury report reflects that the informant has received only one gun shot injury and there is no injury on his left leg. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP for the State submits that the accusation is specific against the petitioner in the FIR.

Considering the fact that the case has been lodged by the petitioner's side at earlier point of time, the accusation is not



being corroborated by the medical opinion coupled with statement made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent, let the petitioner above named be released on bail for the present provisionally for a period of three months, on furnishing one surety to the satisfaction of the learned CJM, Bettiah, West Champaran, in connection with Yogapatti P.S. Case No. 558 of 2018.

However, in view of the present pandemic, COVID-19, it will be open for the learned Court below to accept the bail bond on furnishing an undertaking by the surety, on photo copy of his Aadhar Card, to the effect that he is ready to become the bailor of the petitioner which may be transmitted by such surety to the learned Court concerned through e-mode.

The provisional bail of the petitioner will be confirmed by the learned Court below within three months on furnishing bail bond of Rs.10000/- (ten thousand) with two sureties, including one surety given at the time of provisional bail, of the like amount each to the satisfaction of the learned CJM, Bettiah, West Champaran, in connection with Yogapatti P.S. Case No. 558 of 2018.

The learned Court below will be at liberty to extend



the period of provisional bail further if the court proceeding in physical mode will not resume in next three months.

Accordingly, the present application stands disposed of.

(Dinesh Kumar Singh, J)

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