

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21068 of 2020

Arising Out of PS. Case No.-902 Year-2019 Thana- FORBESGANJ District- Araria

Md. Tanvir Ansari @ Tanweer Alam Son of Sadrul Ansari Resident of Village
- Rampur, North Ward No.2/3, P.S.- Forbesganj, Distt.- Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bhola Prasad, Advocate

For the Opposite Party/s : Mr. Ram Sewak Choudhary, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 29-06-2020 The matter has been taken up through virtual Court proceeding.

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

Since the physical court proceeding is non-functional the matter is listed with defects.

Learned counsel for the petitioner undertakes to remove the defects within three weeks of resumption of physical court proceeding. In the eventuality of non-removal of defects the office will place the matter before the bench.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 302/34 of the Indian Penal Code.

The prosecution case, as per the written report of Subhan Ansari submitted to the Station House Officer,



Forbesganj P.S., is to the effect that on 14.08.2019 at 11.00 A.M., five accused persons including the petitioner came and made assault to the wife of the informant, Samina Khatoon. It is specifically alleged that the assault made by the petitioner caused injury to the wife and minor child of the informant. Subsequently, the minor child of the informant succumbed to the injury during treatment.

It is submitted by learned counsel for the petitioner that for the alleged occurrence of 14.08.2019, the written report was submitted on 17.09.2019, i.e., after more than a month of the alleged occurrence. In fact, on 15.08.2019, the father of the petitioner, Sadrul Ansari had entered into an agreement to purchase a land with Md. Subhan Ansari, the informant on 15.08.2019, just next day of the date of the occurrence which clouds the bonafide of the accusation. Moreover, the informant has filed a petition before the learned Court below that the victim child died due to disease and under misconception, the present case has been lodged and considering all these facts, the father of the petitioner, Sadrul Ansari and co-accused Md. Galib Ansari, Afzal Ansari and Shamim Ansari have been granted anticipatory bail by Co-ordinate bench of this Court vide order dated 02.03.2020 passed in Cr. Misc. No. 8429 of 2020. A



statement has been made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP submits that there is specific accusation of assault against the petitioner.

Considering the lodging of the case after more than a month of the alleged occurrence, an agreement was entered into between the informant and father of the petitioner for purchase of a land just next day of alleged occurrence, co-accused persons have been granted anticipatory bail by Co-ordinate bench of this Court and the informant has retracted from the initial accusation, coupled with the statement made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent, let the petitioner above named be released on provisional anticipatory bail for three months, in the event of arrest or surrender before the learned Court below within a period of 6 weeks from today, on furnishing one surety to the satisfaction of the learned Chief Judicial Magistrate, Araria in connection with Forbesganj P.S. Case No. 902 of 2019.

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 petitioners which may be transmitted by such surety to the learned Court concerned through e-mode.

The provisional anticipatory bail of the petitioner will be confirmed by the learned Court below within three months on furnishing bail bond of Rs.10,000/- (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 Chief Judicial Magistrate, Araria in connection with Forbesganj P.S. Case No. 902 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

The learned Court below will be at liberty to further extend the period of provisional anticipatory bail if the court proceeding in physical mode will not resume in next three months.

Accordingly, the application is disposed of.

(Dinesh Kumar Singh, J)

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