

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22777 of 2020

Arising Out of PS. Case No.-116 Year-2020 Thana- MAIRWAN District- Siwan

TOOFANI ANSARI @ TOOFANI SAI S/o Mohammad Salauddin Sai
Resident of Village-Khaira, Police Station-Darauli, District-Siwan.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Ashok Kumar, Advocate

For the Opposite Party/s : Mr. Manoj Kumar, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 30-09-2020 . As of now the Courts have not resumed normal physical hearing, the matter has been listed today for consideration through Video Conferencing.

The learned counsels are appearing and making submissions from their residence. The Court Master and Secretary are also part of this virtual court proceedings from their homes, all with the aid of audio visual technology.

Heard learned Counsel for the petitioner and the learned Counsel for the State.

. This Court would expect that the petitioner's Counsel would honour his undertaking in the instant proceedings regarding supply of requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

Petitioner apprehends arrest in Mairwa PS Case No. 116 of 2020 registered under Sections 395 of the IPC.

Six persons on two motorcycles have allegedly taken away informant's motorcycle on pistol point.



Learned Counsel for the petitioner submits that his name has been dragged in this case on basis of confessional statement of co-accused Khursid Ali from whom the motorcycle was recovered. The implication is on account of enmity. The petitioner in fact does not even live/normally reside at the place from where the occurrence has taken place. He bears clean past. Confessional statement of co-accused has no evidentiary value whatsoever.

Learned APP for the State has opposed the prayer for anticipatory bail.

Having considered the rival submissions this Court is inclined to grant the privilege of anticipatory bail to the petitioner.

Accordingly, let the petitioner above named, in the event of arrest or surrender before the court below within four weeks from today, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of ACJM, VII, Siwan in Mairwa PS Case No. 116 of 2020 subject to all conditions as laid down in Section 438(2) of the Criminal Procedure Code as also the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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