

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61118 of 2019**

Arising Out of PS. Case No.-330 Year-2018 Thana- DARBHANGA SADAR District-
Darbhanga

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KURBAN ANSARI Son of Ali Mullah Ansari Resident of Village - Shisho,
P.S.- Sadar Mabbi, O.P., District- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Virendra Kumar
For the Opposite Party/s : Mr.Anil Kumar
Mrs. Anita Kumari Singh, APP

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**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER**

3 09-06-2020 The present petition has been taken up for consideration through the mode of Video conferencing in view of the prevailing lock-down on account of COVID 19 Pandemic, requiring social distancing.

Heard the learned counsel for the petitioner and Mrs. Anita Kumari Singh, the learned APP for the State.

The present petition is by way of 2nd attempt at the behest of the petitioner inasmuch the earlier petition for grant of bail qua the petitioner herein was rejected by order dated 22.01.2019 passed in Cr. Misc. No. 70991 of 2018 in connection with Sadar [Mabbi o.p.) P.S. Case No. 330 of 2018 for the offence punishable under Sections 307/379 and other allied Sections of the Indian Penal Code, however, liberty was granted



to the petitioner to renew prayer for bail after a period of six months.

The allegation is regarding the petitioner herein having assaulted the minor daughter of the informant causing grievous injury on her person.

The learned counsel for the petitioner has submitted that the petitioner is innocent, has been falsely implicated in the present case and is having a clean antecedent. It is further submitted that the petitioner is languishing in custody since 20.08.2018. Lastly it is submitted by referring to the deposition of the informant, namely Md. Kaisar Ansari, who has been examined as P.W. 2 in the ongoing trial, that he has specifically deposed in his cross-examination that when the accused persons had entered in his house, he and his sister-in-law started running here and there, resulting in them having dashed with each other whereupon his daughter had fallen down from the hands of his sister-in-law, resulting in her receiving injury. Hence, it is apparent that the allegation as levelled against the petitioner is false. Lastly, it is submitted that the present petition has been filed in view of the observations made by this Court in its earlier order dated 22.01.2019 granting liberty to the petitioner to renew the prayer for bail after six months.



Per contra, the learned APP appearing for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submission and taking into account the fact that the informant himself has deposed during the course of the ongoing trial as P.W. 2 wherein, in his cross examination, he has not named the petitioner to be the person who had assaulted the daughter of the informant, apart from the fact that the petitioner is having a clean antecedent and is languishing in custody since 20.08.2018, I deem it fit and proper to direct for release of the petitioner on regular bail.

According, the petitioner, above named, is directed to be released on regular bail on furnishing bail bonds of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of the learned 3rd Additional Sessions Judge, Darbhanga in connection with Sessions Trial No. 562 of 2018 arising out of Darbhanga Sadar (Mabbi O.P.) P.S. Case No. 330 of 2018.

(Mohit Kumar Shah, J)

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