

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79358 of 2019

Arising Out of PS. Case No.-184 Year-2018 Thana- RAMPUR District- Gaya

MD. SUHAIL @ SUHBARIL ANSARI @ SUHAIL ANSARI Son of Hafiz
Ansari Resident of Mohalla- White House Compound, P.S.- Rampur, District-
Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur, Adv. with Mr. Shivendra Prasad, Adv.
For the Opposite Party/s	:	Mr. Shyam Kumar Singh
For the informant	:	Mr. Tabish Sharfuddin, Adv.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

6 01-09-2020 Due to COVID-19 Pandemic, the matter is being
taken up by way of virtual Court proceeding.

The matter has been listed under the heading “For
Orders” under the orders of Hon’ble the Chief Justice.

Supplementary affidavit is filed on behalf of the
petitioner. The same be kept on record.

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

The petitioner seeks bail in a case for the offence
registered under Sections 302, 307, 452, 341, 323, 506, 120(B),
147, 148, 149 of the Indian Penal Code and 27 of the Arms Act.

Prosecution case in short, is that the while the



informant was preparing for “ROZA”, the accused persons having armed with weapons came there and started abusing. It is further alleged that one Shahrukh assaulted the informant’s son Md. Navil Ahmad with iron rod on his head. It is also alleged that all the accused persons in furtherance thereof, assaulted the informant’s son with iron rod, hockey stick etc. as a result of which, the informant’s son sustained injury. It is alleged that in the occurrence, one son of the informant died while the other son is under treatment.

It has been submitted on behalf of the petitioner that there is no allegation of tampering of witnesses alleged against the petitioner. Charge sheet/Prosecution report in this case has already been submitted. The petitioner is in custody since 05-06-2018. As per the allegation, co-accused Shahrukh is said to have given iron rod blow on the informant’s son. Thereafter, it is alleged that this petitioner also gave iron rod blow on the head of the informant’s son. From perusal of the injury report and the postmortem report, it appears that only one lacerated wound injury was found on the head of the deceased. The postmortem report and the injury report do not corroborate the allegation, made in the FIR. If the FIR is accepted to be true, then also, the fatal injury is said to have been caused by the co-accused



namely Shahrukh. Further it has been submitted that the date of occurrence is said to be 21-05-2018 whereas the case was instituted on 25-05-2018. The delay in lodging the case has not been explained by the prosecution.

On behalf of the State, it is submitted that the petitioner is named in the Complaint Case/F.I.R.

Considering the aforesaid facts and circumstances of the case and also the lockdown, let the petitioner, above named, be released on bail on his personal bond to the satisfaction of learned Chief Judicial Magistrate, Gaya in connection with Rampur P.S. Case No. 184 of 2018.

Once the normalcy is restored, the petitioner shall furnish bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each within a period of seven weeks to the satisfaction of the court concerned in connection with the aforesaid case.

(Sudhir Singh, J)

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