

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5077 of 2021

Arising Out of PS. Case No.-410 Year-2019 Thana- KUCHAIKOTE District- Gopalganj

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KHALIULLAH @ KHALIULLAH ANSARI @ GUDDU ANSARI S/o-
WASIR MIYAN Resident of Village - Mathiya Hata, P.S.- Kuchaikot, Distt.-
Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Vishwajeet Kumar Mishra

For the Opposite Party/s : Mr. APP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 12-04-2021 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor appearing on behalf of the State.

The petitioner seeks bail in Kuchaikot P.S. Case No.
410 of 2019 registered for the offences punishable under
Sections 302/120B/34 of the Indian Penal Code and Section 27
of the Arms Act.

As per the prosecution case, on 27.11.2019, while the
father of the informant was returning home on motorcycle, co-
accused Wasir Ansari, brother-in-law of this petitioner, and three
unknown miscreants made indiscriminate firing as a result of
which, his father sustained multiple bullet injuries and when
taken to the Hospital, doctor declared him brought dead.



Informant further raised suspicion that this petitioner who was in custody on the date of occurrence conspired and committed murder of his father.

It is submitted on behalf of the petitioner that from bare perusal of the F.I.R., it is apparent that the petitioner was in custody on the alleged date of occurrence and has been made accused in this case only on account of previous enmity. It is further submitted that the informant is not an eye-witness, but he reached the place of occurrence only after receiving information and out of revenge, the petitioner has been made accused in this case who is already in custody since 24.12.2019. Chargesheet has already been submitted in this case.

Considering the fact that admittedly the petitioner was in custody on the date of occurrence and only on the basis of old enmity, he has been made accused as one of the conspirators, the bail petition of the petitioner is allowed. Let the petitioner above named be released on bail, on furnishing bail bonds of Rs.10,000/- (Ten Thousand) each with two sureties of the like amount to the satisfaction of learned C.J.M., Gopalganj, in connection with Kuchaikot P.S. Case No. 410 of 2019, subject to following conditions:-

(1) Petitioner shall co-operate in the trial and shall be



properly represented on each and every date fixed by the Court and shall remain physically present, as directed by the Court on his absence on two consecutive dates without sufficient reason, his bail-bonds shall be cancelled by the Court below.

(2) If the petitioner tempers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Prabhat Kumar Singh, J)

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