

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39558 of 2020

Arising Out of PS. Case No.-235 Year-2019 Thana- KUCHAIKOTE District- Gopalganj

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KHALIULLAH ANSARI @ GUDDU ANSARI S/o Wasir Ahmad R/O
Village - Mathiya Hata, P.S. - Kuchaikot, District - Gopalganj.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

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Appearance :

For the Petitioner/s	:	Mr. Yogesh Chandra Verma, Sr. Advocate Mr. Vishwajeet Kumar Mishra, Advocate
For the Opposite Party/s	:	Mr. Anil Kumar, APP
For the Informant	:	Mr. Abhishek Kumar Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

6 22-03-2021 Heard learned Senior Counsel for the petitioner and the learned Counsel for the informant as well as learned APP 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 seeks bail in Kuchaikot PS Case No. 235 of 2019 registered under Sections 341, 323, 324, 307, 504, 506 of the IPC and Sections 25(1-b)a, 26(r) & 27 of the Arms Act.

There is an allegation that two unknown persons have come to the informant's house and after identifying him they have fired upon the informant.

Learned Senior Counsel, representing the petitioner, submits that even as per prosecution case petitioner has not fired upon the informant. It is only statement of co-accused, who allegedly fired, that firing was done at the instance of the instant petitioner, who has conspired to have the informant killed. Learned Senior Counsel for



the petitioner submits that other than such statement of co-accused, no material has come in the case diary to suggest the petitioner's involvement and from the prosecution case it is apparent that assault alleged is on account of dispute regarding settlement of *Pokhra* between the informant and other named persons, with whom the petitioner has no concern.

Learned APP for the State as well as Counsel for the informant submit that the petitioner is a man of criminal antecedents. The informant has named him as being the main conspirator.

Considering the rival submissions as also the facts and circumstances of the case, prayer for bail of the petitioner is allowed.

Let the petitioner above named 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 CJM Gopalganj in Kuchaikot PS Case No. 235 of 2019 subject to 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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