

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40633 of 2020**

Arising Out of PS. Case No.-113 Year-2020 Thana- THAWE District- Gopalganj

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Bashir Anshari @ Bashir Ansai @ Bashir Ansari Son of Ali Ahmad Anshari
Resident of Village- Sirisiya Babu Bhawani Chapar, Police Station- Khampar,
District- Dewariya (U.P)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner	:	Mr.Vikramdeo Singh Mr.Bijay Prakash Singh
For the State	:	Dr.M.K.Gautam,APP
For the Informant	:	Mr.Ranjeet Kumar Pandey

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**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

3. 07-04-2021 Heard learned counsel for the parties through virtual mode.

The petitioner seeks bail in Thawe P.S. Case No. 113 of 2020, registered for the offence under Sections 302, 34 of the I.P.C. and Section 27 of the Arms Act.

As per the prosecution case, on 02.07.2020 at about 8:00 AM, the informant alongwith his elder brother (deceased) proceeded on two different motorcycles for Gopalganj and when they reached near Lachhwar More, four unknown bike-borne miscreants on two motorcycles came from backside and made indiscriminate firing, which hit the backside of informant's brother, as a result of which, he fell down and during course of treatment died. It is further alleged by informant that his brother was investigating the illegal appointments of teachers and was



under-pressure of officials of Education department and teachers, who were pressing him to do some favour and they might have murdered his brother.

It is submitted on behalf of petitioner that petitioner is not named in the FIR and his name has transpired during course of investigation on the basis of confessional statement of co-accused Julfikar Ali @ Bhuttu. It is further submitted that though, informant claims to identify the miscreants, but till date petitioner has not been put on T.I.Parade. It is further submitted that save & except confessional statement of co-accused, which has got no evidentiary value, there is no material against this petitioner to show his complicity in the aforesaid crime. Petitioner is in custody since 19.08.2020.

However, counsel for the informant vehemently opposed the bail application and submitted that during course of investigation, C.D.R. (call details record) was obtained, which shows that this petitioner alongwith other co-accused were in touch on mobile phones on the date of occurrence and mobile tower location of the petitioner was found near the place of occurrence. It is further submitted that it has also come during course of investigation that petitioner is a contract killer and after taking Rs. 3,00,000/- (three lacs), he killed the deceased.



Considering the aforesaid facts & circumstances and the fact that only material, which has come during course of investigation, against the petitioner is that tower location of his mobile phone was found near the place of occurrence and petitioner has been named by the co-accused in the confessional statement, there is no other material against this petitioner, the bail application of petitioner is allowed. Let the above named petitioner be released on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Gopalganj in connection with Thawe P.S. Case No. 113 of 2020, on the following conditions:

“(1) Petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the court below and shall remain physically present, as directed by the court below, and on his absence on two consecutive dates without sufficient reason, his bail-bond shall be cancelled by the court below.

(2) If the petitioner tampers 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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