

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7232 of 2021

Arising Out of PS. Case No.-577 Year-2017 Thana- MASAUDHI District- Patna

MUMTAJ ANSARI @ TENI MIAN Son of Md. Mannu Mian @ Munna Mian Resident of Village - Shahid Nagar, P.S.- Dhanaura, District - Patna.
Present Address - Resident Dumri, P.S.- Punpun, Dist.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amrendra Kumar Singh, Adv.

For the Opposite Party/s : Mr. Arvind Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

4 19-07-2021 In view of sudden resurgence of COVID-19 infection there is limited functioning of the High Court and therefore the matter has been listed for consideration through virtual mode.

Heard learned counsel for the petitioner and the 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 Masaurhi P.S. Case No.577 of 2017 registered under Sections 302, 120B/34 of the Indian Penal Code.

The allegation against the petitioner is that in conspiracy with the victim elder sister Gulshan Khatoon the



petitioner along with co-accused Suraj and Raja have killed the younger sister Roshani Khatoon.

The learned counsel for the petitioner submits that the informant is not an eye witness based on suspicion after recovery of the dead body from the house of co-accused Munna all the accused persons have been implicated. Similar situated co-accused Suraj Kumar has been allowed bail in Cr. Misc. No.47976 of 2018. Gulshan Khatoon has also been allowed bail in Cr. Misc. No.34956 of 2018. The other co-accused Raja @ Vikash has also been granted bail. Co-accused Suraj and co-accused Raja in their confessional statement have levelled allegation against each other of firing upon the deceased. Petitioner's name have dragged merely on suspicion and he is in custody since 25.08.2020. The petitioner has two other cases pending against him as per details disclosed in paragraph-2.

Learned APP has opposed the prayer for bail.

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 learned Additional Chief Judicial Magistrate, Masaurhi in Masaurhi



P.S. Case No.577 of 2017, 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)

Prakash Narayan /-

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