

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2688 of 2022

Arising Out of PS. Case No.-202 Year-2021 Thana- DHAMDAHA District- Purnia

MD SARTAJ ANSARI Son of Wasim Ahmad @ Wasim Ahmad Ansari
Resident of Village- Kuwari Dhamdaha, P.S.- Dhamdaha, District- Purnia

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N. K. Agarwal, Senior Advocate
		Mr. Sudhir Kumar Thakur, Advocate
For the Opposite Party/s	:	Mr. Ajay Kumar No. 2

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 17-09-2022 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with
Dhamdaha P.S. Case No. 202 of 2021 registered for the offence
under Sections 302 and 120(B) of the Indian Penal Code and
Section 27 of the Arms Act.

The accused/petitioner is named in the F.I.R. and is in
custody since 06.09.2021.

The allegation against the petitioner is to commit
murder of brother of the informant along with other co-accused
persons, due to previous enmities.



Learned senior counsel appearing on behalf of the petitioner submitted that the version of informant as petitioner went along with deceased is appearing doubtful for the reason that petitioner was in touch with deceased over telephone, as per Call Detail Report after 08:00 PM. It is also submitted that as deceased was known to petitioner he went alone with motorcycle of petitioner, where, petitioner was implicated as an afterthought, due to previous enmities. While concluding the argument, it is submitted that investigation of this case has been completed, for which, charge-sheet has already been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, submitted that motorcycle of petitioner was recovered from the place of occurrence. It is also submitted that there is no reason to disbelieve the version of 'last seen'. It is further submitted that occurrence is a brutal murder, where, 15 bullets were fired upon the deceased, as per post-mortem report, indicating involvement of other co-accused persons, as alleged.

In view of the submissions, as made above, as petitioner accompanied with deceased soon before the occurrence, where, motorcycle of petitioner was recovered from the place of occurrence, itself, this Court is not inclined to grant



bail to the petitioner, at present.

Accordingly, the prayer of bail of the petitioner is rejected herewith.

Trial Court is directed to proceed with the matter, by taking it on board, on day-to-day basis, so as trial may conclude within 09 (nine) months from the date of receipt of a copy of this order.

S.S.P., Purnia is directed to produced the charge-sheeted witnesses, as and when directed by the Trial Court, for expeditious disposal of trial, within specified time, as directed above.

(Chandra Shekhar Jha, J)

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