

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2256 of 2022

Arising Out of PS. Case No.-86 Year-2021 Thana- GAUNAHA District- West Champaran

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MOJAHIR ANSARI S/o Hisarat Ansari Resident of Village- Murli
Bharharwa (Bharahawa), P.S.- Gaunaha, District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar

For the Opposite Party/s : Mr.A.G

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 13-07-2022 Let the defect(s), as pointed out by the office, be

removed within a period of four weeks from today.

Heard learned counsel for the petitioner and

learned A.P.P. for the State.

The petitioner seeks bail in connection with

Gaunaha P.S. Case No. 86 of 2021 registered for the offences

punishable under Sections 147, 341, 323, 307, 504, 506 of the

Indian Penal Code.

As per prosecution case, accusation against the

petitioner namely Mojahir Ansari is that he inflicted upon the

head of informant by means of iron rod as a result of which the

informant sustained injury on his head and fell down on the

ground.

Learned counsel for the petitioner submits that



petitioner is in custody since 02.10.2021, excluding the period of provisional bail of 15 days which was granted vide order dated 05.05.2022. Petitioner bears criminal antecedent of three cases which are complaint based cases. Charge sheet has already been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel further submits that the petitioner is innocent and he has falsely been implicated in the present case. Parties are agnates. There is a land dispute between the petitioner and the informant and the present case is a counter version of the alleged occurrence bearing Gaunaha P.S. Case No. 183 of 2021 which was lodged by the petitioner against the present informant and others. Allegation of theft is super-addition and there is no repeated blow on the head of the informant.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case as well as period of custody, nature of allegation, charge-sheet has already been submitted and there is no likelihood of tampering with the prosecution evidence and also taking into consideration the material available on record, let the petitioner above named be released on bail after framing of charge on



furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Bettiah, West Champaran in connection with Gaunaha P.S. Case No. 86 of 2021, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

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