

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6548 of 2022

Arising Out of PS. Case No.-10 Year-2019 Thana- DHANAHA District- West Champaran

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MUSTAFA ANSARI Son of Jumai Ansari Resident of Village- Khalwapatti,
Police Station- Dhanaha, District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shailesh Kumar, Advocate

For the Opposite Party/s : Dr. Mrityunjaya Kr. Gautam, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 10-10-2022 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 Dhanaha
P.S. Case No. 10 of 2019 registered for the offence under
Sections 302, 201 and 120(B) of the Indian Penal Code.

The accused/petitioner is named in the F.I.R. and is in
custody since 04.08.2021.

The allegation against the petitioner is to commit
murder of nephew of the informant along with other co-accused
persons/family members, for the reason that deceased had love
affairs with daughter of this petitioner.

Learned senior counsel appearing on behalf of the



petitioner submitted that informant is not the eye-witness of the present occurrence, where, entire allegation is based upon suspicion. It is further submitted that the FIR was lodged after 10 days of occurrence without any just explanation. It is also submitted that nothing surfaced/recovered during course of investigation, which may connect this petitioner, *prima-facie*, with the present set of occurrence. It is also submitted that similarly situated co-accused person, who is daughter of this petitioner, has already been granted bail by one of the learned co-ordinate Bench of this Court through Cr. Misc. No. 67787 of 2019 dated 04.03.2020. 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, fairly conceded the fact that informant is not the eye-witness of the present occurrence.

Considering the facts and circumstances as mentioned above, as informant is not the eye-witness of the occurrence, where nothing surfaced/recovered during course of investigation, which may connect this petitioner, *prima-facie*, with the present set of occurrence coupled with the fact that



charge-sheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Dhanaha P.S. Case No. 10 of 2019, on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M., Bagaha, West Champaran/concerned court, subject to the condition as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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