

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29650 of 2021

Arising Out of PS. Case No.-146 Year-2020 Thana- BATHNAHA District- Sitamarhi

Sobrati Ansari Son Of Late Khalil Ansari R/O Village - Kamaldah, P.S. -
Bathnaha, District - Sitamarhi.

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Jha

For the Opposite Party/s : Mr. Mohammad Sufyan

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

5 31-01-2022 Heard learned counsel for the petitioner and learned
APP for the State through video conferencing.

The petitioner seeks bail in connection with Bathnaha
P. S. Case No.146 of 2020, instituted for the offences under
Section 302/ 34 of the Indian Penal Code.

The learned counsel for the petitioner submits that the
petitioner is in custody since 13.10.2020, he is a person with
clean antecedent and charge-sheet has been submitted in the
case.

The learned counsel for the petitioner submits that the
informant alleges that he had gone out of the house for some
personal work and his son and wife (deceased) were at home
and his son was sleeping in the house and when he woke up, he
saw the deceased hanging. Thus, the informant based on



suspicion alleges that the petitioner along with his three named brothers and five other named accused might have committed occurrence on account of previous dispute.

The learned counsel for the petitioner submits that from bare perusal of the allegation as alleged in the F.I.R., it would manifest that the entire allegation is based on suspicion. There is no eye witness to the occurrence. Even the son of the informant (Salauddin Ansari), who had disclosed the occurrence to the informant, is also not an eye witness to the occurrence. Further, it is submitted that even during the course of investigation, the statement of Salauddin Ansari was not recorded. The learned counsel further submits that from perusal of the post mortem report, it would manifest that the death was due to hanging.

The learned A.P.P. for the State opposes the bail application and submits that one Jubair Alam, brother of the informant's statement was recorded at Para-9 of the case diary wherein he has supported the prosecution case, but is not an eye witness to the occurrence.

The learned A.P.P. fairly submits that during the course of investigation also no eye witness has come forward to support the prosecution case nor the statement of the son of the



informant was recorded.

Considering the fact that the petitioner is in custody, he is a person with clean antecedent, charge-sheet has been submitted in the case and the allegation as alleged in the F.I.R. is based on suspicion, the petitioner, above-named, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Sitamarhi in connection with Bathnaha P. S. Case No.146 of 2020.

The application stands allowed.

(Satyavrat Verma, J)

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