

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39098 of 2021**

Arising Out of PS. Case No.-181 Year-2016 Thana- RUNISAIDPUR District- Sitamarhi

Md. Shakur Ansari @ Abdul Shakur Son Of Md. Isha Ansari Resident Of
Village - Suhai, P.S. - Dumra, District - Sitamarhi.

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ritwik Thakur- Advocate Mr. Shivam- Advocate
For the State	:	Mr. Damodar Prasad Tiwary- A.P.P.
For the Informant	:	Mr. Manoj Kumar Pandey- Advocate Ms. Preety Kunwar- Advocate

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER**

3 24-02-2022 Heard learned counsel for the petitioner, learned
counsel for the informant and learned APP for the State.

The petitioner seeks bail in connection with
Runnisaidpur P. S. Case No.181 of 2016, instituted for the
offences under Sections 302/ 34, 120(B) of the Indian Penal
Code.

The learned counsel for the petitioner submits that the
petitioner is in custody since 31.03.2021, he is a person with
clean antecedent, charge-sheet has been submitted in this case
and the present F.I.R. arises out of a complaint petition instituted
by the complainant now the informant.

The learned counsel for the petitioner further submits



that the informant alleges that accused Md. Layak Ansari, Md. Saheed Ansari, Md. Gafoor Ansari and the petitioner came at the door of the elder son of the informant namely, Ahmad Hussain (deceased) and they took him along with themselves on the pretext that the Police Inspector was calling him, but the son did not return that night and accordingly, search was made, but the victim could not be located. In the morning of 01.04.2016, the informant came to know that a dead body was lying in the pond. Accordingly, the informant went to the place of occurrence and identified the body of her son and saw stabbed injury caused by knife on his neck and eye. It is further alleged that the wife of the deceased had illicit relationship with co-accused Md. Layak Ansari and Md. Saheed Ansari and thus, she got the deceased murdered with the help of the accused persons.

The learned counsel for the petitioner submits that the petitioner has been falsely implicated as would be evident from the submission made hereinafter. The learned counsel submits that the police after investigation, submitted final form in favour of the accused persons of the said case and during the course of investigation, it also transpired that Md. Azmat, own younger brother of the deceased had killed the deceased on account of land dispute for which Runnisaaidpur P. S. Case No.122 of 2016



was instituted by the wife of the deceased. Accordingly, the informant in order to save her younger son by way of after thought filed a complaint instead of an F.I.R. and also falsely alleged against the wife of the deceased that she was having illicit relationship with the accused persons.

The learned counsel for the petitioner further submits that the wife was implicated only with a view to coerce her into submission, so that she does not give statement against her younger brother-in-law. The learned counsel further submits that after the final form no.443 of 2016 dated 19.07.2016 was submitted by the police. The learned C.J.M., Sitamarhi differed with the police report vide order dated 02.02.2017 and issued process against the accused. The learned counsel further submits that the police after investigation, submitted charge-sheet no.465 of 2016 in Runnisaidpur P. S. Case No.122 of 2016 in which charges have been framed on 09.03.2017 and seven prosecution witnesses have already been examined.

The learned counsel thus submits that from the statements made, it is clear that the informant of the present case only with a view to save her younger son, instituted a false case implicating the four innocent persons in the case.

Learned counsel for the informant as well as learned



A.P.P. for the State opposes the bail application, but the learned counsel for the informant is not able to meet any of the submissions made by the learned counsel for the petitioner which is based on facts.

Considering the fact that the petitioner is in custody, he is a person with clean antecedent, charge-sheet has been submitted in this case and taking into consideration the submissions made by the learned counsel for the petitioner Mr. Ritwik Thakur, the petitioner, above-named, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 5,000/- (Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Sitamarhi in connection with Runnisaidpur P. S. Case No.181 of 2016.

The application stands allowed.

(Satyavrat Verma, J)

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