

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37734 of 2021

Arising Out of PS. Case No.-291 Year-2020 Thana- WARISNAGAR District- Samastipur

1. Md. Jahangeer @ Md. Jahangir @ Jahangir Ansari S/o Late Md. Mohiuddin R/V-Gohi, P.S.-Warisnagar, District-Samastipur.
2. Md. Tare @ Md. Faiyaz Ansari S/o Md. Jahangeer @ Jahangir Ansari @ Md. Jahagir R/V-Gohi, P.S.-Warisnagar, District-Samastipur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar

For the Opposite Party/s : Mr. Anil Kumar

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 08-04-2022 Heard learned counsel for the petitioners and learned APP for the State through virtual court proceedings.

The petitioners apprehend their arrest in Warisnagar P.S. Case No.291 of 2020, registered for the offences punishable under Sections 307, 120B and 34 of the Indian Penal Code as well as under Section 27 of the Arms Act. Later on, Section 302 of the Indian Penal Code was added.

Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in the present case. It is submitted that no overt act is alleged against the petitioners. Only on suspicion, the petitioners and other accused persons have been made accused in the present case. It is also submitted that there is no eye witness of the occurrence. It is



further submitted that the deceased has got six criminal antecedents, details of which are mentioned in paragraph 118 of the case diary. It is further submitted that during investigation, no witness has supported the prosecution case. It is submitted that similarly situated co-accused, Vipin Thakur @ Vipin Kumar Thakur has already been enlarged on anticipatory bail by a coordinate Bench of this Court vide order dated 07.06.2021, passed in Cr. Misc. No.23829 of 2021.

Learned APP for the State opposed the prayer for anticipatory bail of the petitioners.

From perusal of the case diary it appears that during investigation no material has come against the petitioners to show their involvement in the alleged offence.

Taking into consideration the facts aforesaid, let petitioners, above named, in the event of their arrest or surrender before the learned court below within a period of six weeks from today, be enlarged on bail on furnishing bail bonds of Rs.25,000/- (rupees twenty five thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Samastipur in connection with Warisnagar P.S. Case No.291 of 2020, subject to the conditions:

(1) Laid down under Section 438(2) of the Code of Criminal Procedure.



(2) That one of the bailors will be a close relative of the petitioners, who will give an affidavit giving genealogy as to how he is related with the petitioners. He will also undertake to inform the court if there is any change in the address of the petitioners.

(3) That the petitioners will be well represented on each and every date fixed in the case and if they fail to do so on two consecutive dates, their bail bonds shall be liable to be cancelled.

(4) That the petitioners will mark their attendance in the local police station in the first week of every month till conclusion of trial, failing which the prosecution will be at liberty to move cancellation of their bail bonds.

(5) That the bailors shall also state on affidavit that they will inform the court concerned, if the petitioners are implicated in any other case of similar nature after their release in the present case and thereafter the court below will be at liberty to initiate proceeding for cancellation of bail on the ground of misuse.

(Anjani Kumar Sharan, J.)

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