

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30740 of 2022

Arising Out of PS. Case No.-240 Year-2020 Thana- MOHANIYA District- Kaimur (Bhabua)

Maksood Ansari @ Maksud Ansari Son Of Md. Mahaguddian Ansari
Resident of Suara, P.S.-Nokha, District-Rohtas.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Sanjay Sinha, Advocate
For the Opposite Party/s : Ms. Gulnar Begum, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 24-08-2022 The learned counsel for the petitioner is directed to remove all the defects pointed out by the Stamp Reporter within one month.

Heard learned counsel for the petitioner and the learned APP for the State.

Petitioner seeks regular bail in connection with Mohania P.S. Case No. 240 of 2020 registered for the offences under Sections 399, 400, 402, 411, 414 and 216A of the Indian Penal Code, Sections 25(1-b)a, 26 and 35 of the Arms Act and Sections 8, 20(b) (ii) B and 27(A) of the NDPS Act.

As per the prosecution's story the police got the information that the accused persons including the petitioner were preparing to commit the offence of loot and acting on that information the police personnel reached at the alleged place of



occurrence and found one car and two motorcycles parked near about and on seeing the police personnel the accused persons attempted to flee but three co-accused persons were apprehended and other accused persons managed to flee and from the possession of apprehended co-accused persons some fire-arms, mobile phones, laptops etc. were recovered and from the alleged car one kg. narcotic material suspected to be Ganja was also recovered.

The main submissions advanced by learned counsel Mr. Sanjay Sinha for the petitioner are that the petitioner was not arrested at the alleged spot, the co-accused persons who were arrested at the spot have been granted bail by different benches of this Court vide orders passed in Cr. Misc. No. 38433 of 2020, Cr. Misc. No. 39290 of 2020, Cr. Misc. No. 13058 of 2021, Cr. Misc. No. 17609 of 2021, Cr. Misc. No 17729 of 2021, Cr. Misc. No. 32559 of 2021, Cr. Misc. No. 51458 of 2021 and some of the co-accused persons are also having criminal antecedents of several cases who are on bail and the present petitioner was not apprehended at the alleged spot.

Learned APP Ms. Gulnar Begum appearing for the State has opposed the bail prayer.

In view of the above submissions and mainly



considering the fact that the petitioner's case stands on similar footing with the co-accused persons who have been enlarged on bail by different benches of this Court vide orders passed in above-mentioned criminal miscellaneous cases and moreover the petitioner was not arrested at the alleged spot and his name surfaced in the statement of co-accused persons as appears for the FIR, hence in the light of these facts the petitioner also deserves to the same privilege of bail which has been granted to the co-accused persons, let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of concerned Court in Connection with Mohania P.S. Case No. 240 of 2020, on the following conditions.

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court below and shall remain physically present as directed by the Court below and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) 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.



(3) One of the bailers shall be a close relative of the
petitioner who has sworn affidavit in this miscellaneous petition.

(Shailendra Singh, J.)

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