

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32413 of 2022**

Arising Out of PS. Case No.-70 Year-2020 Thana- RUDRAPUR District- Madhubani

=====

HABIB ANSARI S/o Late Batahu Ansari Resident of Village- Dumra, P.S.-
Rudrapur, District- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Manoj Kumar Jha, Advocate

For the Opposite Party/s : Mr. Syed Mojibur Rahman, A.P.P.

=====

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

2 02-09-2022 Heard learned counsel for the petitioner and learned

Additional Public Prosecutor for the State in virtual court

proceeding.

Let the defects, as pointed out by the office, be

removed within a period of four weeks from today.

Petitioner seeks bail in a case registered for the

offences punishable under Sections 341, 342, 323, 354, 504,

506/34 of the Indian Penal Code and Section 25(1-b)a, 26, 35 of

the Arms Act.

According to prosecution case, on the basis of the

written report of the Habib Ansari it has been alleged that in the

night of 12.07.2020, the F.I.R. named accused persons

committed house trespass and began to beat his wife and on the

order of Ishak, Esmael fire upon Sadrul Haque but bullet passed



beside him. Further, it is alleged that they looted substances from his house and Jahangir made firing in the air and further threatening was also being given by the accused to vacate house otherwise they killed his all family members. When the informant tried to catch them then they fled away.

Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. He further submits that in fact the petitioner is the informant in the present case and he has falsely been implicated by police in connivance with the accused person of the present case. He further submits that there is admitted land dispute between the parties and the accused person in order to grab the land disturbed the possession of the petitioner over the same and the petitioner has filed Land Dispute Resolution Case No. 162 of 2012-13 before the D.C.L.R. Jhanjharpur in which by order dated 13.06.2013 the D.C.L.R. passed the order in favour of the petitioner, despite of that the accused persons in connivance with the police officials for which tried to disturbed the petitioner and his family members. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 28.02.2022.

The learned Additional Public Prosecutor has



vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries three criminal antecedent other than the present one.

Considering the aforesaid facts and circumstances, let the petitioner, above named, 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 the learned Court below where the case is pending in connection with Rudrapur P.S. Case No. 70 of 2020, G.R. No. 1257 of 2020, subject to 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 and shall remain physically present as directed by the court 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. And further condition that the court below shall verify the criminal antecedent of the



petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

mdrashid/-

U		T	
---	--	---	--

