

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32893 of 2022

Arising Out of PS. Case No.-75 Year-2022 Thana- GOPALGANJ TOWN District- Gopalganj

Meraj Ansari @ Guddu Ansari Son Of Mainudin Miya @ Mainuddin Ansari
Resident Of Balahata, P.S.- Uchkagaon, District- Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Rajesh Kumar, Adv.
For the Informant	:	Mr. Ajay Kumar Pandey, Adv.
		Mrs. Shyama Rani, Adv.
For the Opposite Party/s :		Mr. Anand Mohan Prasad Mehta, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

4 29-11-2022 Let the defect(s), if any, be removed within two weeks
from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State as well as learned counsel for the informant.

The petitioner seeks regular bail in connection with
Gopalganj (Town) P.S. Case No. 75 of 2022, lodged under
Sections 363 and 365 of the Indian Penal Code subsequently
Sections 364, 302, 201 and 120(B) of the I.P.C. were also added.

As per the prosecution case, no one is named in the
F.I.R. and it has been submitted that the father of the informant
went to his uncle at Gopalganj but thereafter he was not
picking-up his mobile. Upon search, when no trace took place,
the present case has been lodged.

Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence. He also submits that petitioner has not been named in the F.I.R. but name of the petitioner has figured in this case by virtue of confessional statement of the co-accused, who have confessed before the police that he along with other co-accused, strangled the neck of the deceased, with the help of *gamcha* and thrown the dead body near *Dariyapur Mill Factory*. He also submits that there is no eye-witness of the occurrence and by virtue of confessional statement, he may not be continuing in jail. Learned counsel further submits that petitioner is in custody since 08.02.2022 only on the basis of suspicion. He also submits that there is one criminal case pending against the petitioner and he is on bail in that case. Charge-sheet has already been filed in this case.

Learned A.P.P. for the State opposes the prayer for bail.

Learned counsel for the informant vehemently opposes the prayer for bail and submits that initially, it is a case of kidnapping but subsequently the dead-body was recovered and the co-accused disclosed the entire story, narrating as how the crime had taken place.

Upon perusal of the post-mortem it transpires that cause of death has not been asserted and all viscera and blood samples were preserved for chemical examination.

In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Gopalganj in connection with Gopalganj (Town) P.S. Case No. 75 of 2022, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioner shall support in trial and shall appear physically before the lower court on each and every date fixed, in case of non-appearance for two consecutive dates without sufficient cause, shall be resulted into cancellation of his bail bond.

B. One of the bailors shall be close relative who shall file affidavit before the court about his relationship with the petitioner.

C. The petitioner shall file an affidavit at the time of furnishing of bail bond that he shall not involve in such criminal activity during the continuance of present bail bond, violation of

this condition shall be resulted into cancellation of his present
bail bond.

With this observation, the bail application stands
allowed.

(Dr. Anshuman, J.)

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