

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.41570 of 2022**

Arising Out of PS. Case No.-28 Year-2022 Thana- BARAHAT District- Banka

NIYAZ ANSARI @ MD. NIYAZ ANSARI S/o Ansar Miyan @ Md. Ansar  
R/o village- Nemuwa, P.S.- Barahat, District- Banka

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Ajay Mukherjee  
For the Opposite Party/s : Mr.Jagdhari Prasad

**CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY**  
**ORAL ORDER**

2      16-11-2022                      Let the defect(s), as pointed out by the office, be  
removed within a period of four weeks from today.

Heard learned counsel for the petitioner and  
learned A.P.P. for the State.

The petitioner seeks bail in connection with  
Barahat P.S. Case No. 28 of 2022 registered for the offences  
punishable under Sections 147, 148, 149, 323, 332, 333, 353,  
307, 506 of the Indian Penal Code.

As per prosecution case, when the police  
conducted a raid and arrived at Punsia Chowk, it is alleged  
that the driver and owner of the vehicle tried to escape but one  
of them was apprehended who disclosed his name as Pritam  
Yadav. However, lots of people came for rescue of the said  
Pritam Yadav and surrounded the informant and other police



personnel and started pelting stones on them. Further allegation is that the accused Pritam Yadav also assaulted the SDPO causing head injury. Apprehended co-accused Pritam Yadav disclosed the name of petitioner and others co-accused persons.

Learned counsel for the petitioner submits that petitioner is in custody since 21.03.2022. Petitioner bears seven criminal antecedents. Learned counsel further submits that the petitioner is not apprehended on spot. His name has been implicated on the basis of disclosure of apprehended co-accused person Pritam Yadav. The petitioner is quite innocent and has falsely been implicated in the present case due to inimical term with the co-accused Pritam Yadav. There is no specific allegation against the petitioner. Allegations against the petitioner are general and omnibus in nature. Learned counsel further submits that co-accused Pramod Yadav and Tipu Yadav have already been granted bail vide Cr. Misc. No. 32097 of 2022 and Cr. Misc. No. 34036 of 2022 respectively by the different co-ordinate benches of this Court and the case of present petitioner stands on similar footing.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case as well as period of custody, argument advanced on behalf of the



petitioner, similar situated co-accused persons have already been granted bail by co-ordinate benches and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial magistrate/Successor Court, Banka in connection with Barahat P.S. Case No. 28 of 2022, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

**(Alok Kumar Pandey, J)**

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