

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42665 of 2022

Arising Out of PS. Case No.-57 Year-2021 Thana- SURSAND District- Sitamarhi

MD. SHAMIM ANSARI @ CHHOTE ANSARI Son of Late Muslim Ansari
R/o village - Pathanpara (Pathanpura), P.S.- Sursand, Dist. - Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Santosh Kumar

For the Opposite Party/s : Mr.Ganesh Prasad Singh

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 Sursand P.S. Case No. 57 of 2021 registered for the offences punishable under Sections 395 of the I.P.C.

As per prosecution case, five miscreants entered the house of informant after breaking gate of the house and kept the informant and his wife in their captivity and looted away cash of Rs. 5000/-, 10-12 bhar silver and copper utensils of Rs. 1 lakh.

Learned counsel for the petitioner submits that name of the petitioner has been transpired in this case upon the self confessional statement. Except self confessional statement of petitioner there is nothing on record to demonstrate the complicity of



petitioner with the alleged occurrence. Learned counsel for the petitioner further submits that petitioner is in custody since 19.06.2021 and bears criminal antecedent of seven cases in which most of the cases petitioner is on bail. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. He further submits no incriminating article has been recovered from the conscious possession of the petitioner.

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, period of custody, no incriminating article has been recovered as submitted, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of both sides 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 Judicial Magistrate 1st Class, Pupri, Sitamarhi in connection with Sursand P.S. Case No. 57 of 2021 , 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.

(iv) Petitioner shall furnish mobile number at the time of furnishing bail bond and the said mobile number shall continue in operating condition till disposal of the case and he shall get his presence marked before the officer-in-charge of the concerned police station on the first Tuesday of every month.

(v) Petitioner shall not leave the territorial jurisdiction of the concerned trial court without appropriate permission of the court concerned.

(vi) However, if petitioner violates any of the conditions, the court below is at liberty to cancel the bail bond of the petitioner.

(Alok Kumar Pandey, J)

vashudha/-

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

