

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58617 of 2021

Arising Out of PS. Case No.-231 Year-2021 Thana- SUGAULI District- East Champaran

1. Nasaruddin Ansari Son Of Late Pagambar Ansari R/O Village- Uttari Buchha, P.S.- Sugauli, District- East Champaran (MOHIHARI)
2. Saddam Ansari Son Of Hasnain Ansari R/O Village- Uttari Buchha, P.S.- Sugauli, District- East Champaran (MOTIHARI)

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Anshu Dhar Sharma, Advocate

For the Opposite Party/s : Mr.Abhay Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 12-04-2022 Heard counsel for the parties.

The petitioner no.1 Nasaruddin Ansari and the petitioner no.2 Saddam Ansari are in judicial custody in connection with Saugauli P.S. Case No. 231 of 2021 registered under sections 147, 148, 149, 341, 323, 307, 504 and 506 of the Indian Penal Code and Section 27 of the Arms Act.

The allegation against the accused persons are that they were armed variously and opened fire which hit the stomach of Matiullah Ansari.

Learned counsel for the petitioners submit that specific allegations are against Husnain Ansari, Jamaluddin Ansari and so far as the petitioner nos.1 and 2 are concerned,



omnibus allegation has been levelled against them.

However, the perusal of the learned Sessions Judge's order shows that allegation has levelled against amongst other the petitioner no.2 that he also was the accused who opened fire that hit Matiullah Ansari in his stomach. The same has not been disputed by the counsel for the petitioners.

Considering the aforesaid fact, the bail application of the petitioner no.2 Saddam Ansari is rejected.

So far as the petitioner no.1 is concerned, in view of the fact that omnibus allegation has been levelled against him and as per para-3 he has no criminal antecedent, let the petitioner no.1 be released on bail on furnishing bail bond of Rs. 20,000/- (Twenty thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Motihari (East Champaran), in connection with Saugauli P.S. Case No. 231 of 2021 subject to the following conditions:-

(i) the learned Trial Court shall ascertain the criminal antecedent of the petitioner no.1 Nasaruddin Ansari while releasing him on bail;

(ii) he shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of his



bail bonds;

(iii) the petitioner shall desist from committing any criminal offence again, failing which the State shall take steps for cancellation of his bail bonds.

With the aforesaid observation, the bail application of the petitioner no.2 is rejected and that of petitioner no.1 namely Nasaruddin Ansari is allowed.

(Rajiv Roy, J)

Ravi/-

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

