

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49373 of 2022

Arising Out of PS. Case No.-455 Year-2021 Thana- BANKA District- Banka

Md. Shamsher Ansari @ Md. Shamsher S/o Late Rabul Ansari R/o village-
Navtolia Chamreli, P.S. and District- Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md. Nurul Hoda, Advocate

For the Opposite Party/s : Mr. Vinod Shanker Modi, APP

CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

2 14-12-2022 Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, if any, within
a period of four weeks from today.

Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in connection with Banka
P.S. Case No. 455 of 2021 registered for the offence punishable
under Sections 307, 120 B and 302 (which has been added
subsequently) of the Indian Penal Code and Sections 3, 4 and 5
of the Explosives Substance Act.

As per the prosecution case, the allegation against the
petitioner is to hide bomb in Madarsa, which on explosion,
damaged northern part of Madrasa, causing injury to Imam,
namely Abdul Mobin, who died subsequently.



Learned counsel for the petitioner submits that petitioner had himself surrendered in the Court below and is in custody since 07.05.2022. He further submits that FIR was against unknown and the name of the petitioner has been falsely disclosed by the co-accused in the confessional statement due to village politics. Nothing incriminating article has been recovered from the possession of the petitioner and there is no evidence at all against the petitioner. Petitioner who is about 68 years old has no concern with the Madarsa in question. It is further submitted that co-accused Md. Atik Raza @ Atik Ansari has been granted anticipatory bail vide order dated 04.07.2022 in Criminal Miscellaneous No. 55095 of 2021 and co-accused Imran Ansari has been granted bail by Coordinate Bench vide order dated 05.09.2022 in Criminal Miscellaneous No. 21283 of 2022.

Learned APP for the State has opposed the prayer for regular bail of the petitioner and submitted that petitioner has criminal antecedent.

Considering the facts and circumstances of the case as well as period of custody, let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to



the satisfaction of learned Additional Sessions Judge, 1st, Banka in S.Tr. No. 116/2022 arising out of Banka P.S. Case No. 455 of 2021, subject to following conditions:-

(i) 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.

(ii) If the petitioner tampers with the evidence or the witness, in that case the prosecution will be at liberty to move for cancellation of bail.

(Sunil Dutta Mishra, J)

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