

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64137 of 2021**

Arising Out of PS. Case No.-4 Year-2020 Thana- KURTHA District- Jehanabad

MD AFTAB ANSARI @ AFTB ALAM @ AFTAB ALAM @ MONU Son of
Md. Mustaque Ansari @ Mustaque @ Md. Mustak Ahmad Resident of
Village- Sohariya, P.S.- Parasbigha, District- Jehanabad.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Uday Narayan Singh
For the Opposite Party/s : Mr.Rajendra Prasad Nat

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

3 27-09-2022 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 Kurtha
P.S. Case No. 04 of 2020 initially registered for the offences
punishable under Sections 279, 304(A) of the Indian Penal Code
and later on, Section 302, 34 of the IPC have been added.

As per prosecution case, the informant received
information from co-villager Gudiya Praveen that due to rash
and negligent driving unknown vehicle dashed his father
resulting his death. Thereafter, informant reached at the place of
occurrence where he was informed by police that deceased has



been taken to Sadar hospital, Arwal for postmortem and after that informant reached the hospital where he saw dead body of his father.

Learned counsel for the petitioner submits that FIR has been registered against unknown driver of vehicle and during course of investigation name of the petitioner has been transpired in this case in para 19 of the case diary. There is no eye witness of the alleged occurrence and all the witnesses are hearsay witness. There is no independent witness who supported the involvement of the petitioner in the alleged occurrence. No incriminating article has been recovered from conscious possession of the petitioner. Petitioner is in custody since 21.08.2021 and bears criminal antecedent of two cases. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence.

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

Considering the facts and circumstances of the case, period of custody, 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 Chief Judicial Magistrate, Arwal in connection with Kurtha P.S. Case No. 04 of 2020, 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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