

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68430 of 2021

Arising Out of PS. Case No.-116 Year-2021 Thana- SIKRAUL District- Buxar

1. Sadaruddin Ansari @ Sadaruddin, Son of Late Nurul Haque Ansari, Resident of Village - Belaw, P.s.- Sikraul, Distt.- Buxar.
2. Saddam Hussain Ansari, Son of Sadaruddin Ansari @ Sadaruddin, Resident of Village - Belaw, P.s.- Sikraul, Distt.- Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dineshwar Mishra, Advocate

For the Opposite Party/s : Mr. Akshay Lal Pandit, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 20-09-2022 Heard learned counsel for the petitioners and learned
APP for the State.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioners seek bail in connection with Sikraul P.S. Case No. 116 of 2021 registered for the alleged offences under Sections 302, 201 and 120B of the Indian Penal Code.

As per prosecution case, the dead body of the brother of the informant was found in a field outside the village. The informant showed his suspicion that petitioner and other co-



accused persons killed his brother.

The learned counsels for the petitioners submit that the prosecution case is false and concocted and the petitioners have been falsely implicated in this case. There is no eye witness to the alleged occurrence and for that matter, there is not a single witness who might have named the petitioners for their involvement and there is no material to show the involvement of the petitioner in the alleged crime. Learned counsel further submits that the confessional statement of the petitioner no.1 was recorded wherein he implicated himself as an accomplice of his son, co-accused Mehendi Hasan stating his son killed the brother of the informant and allegedly the recovery of knife was made, which was used by his son for killing the brother of the informant. However, this fact gets contradicted and falsified by the post mortem report which shows the deceased received injuries from hard and blunt substance. However, only allegation even in the confessional statement against petitioner no. 2 Saddam Hussain Ansari is that he told his father to send his co-accused brother to him. The brother of the informant was mauled by wild pigs and he died. The petitioners were apprehended from their house. The petitioners are in custody since 14.09.2021 and charge-sheet has been submitted.



Learned APP opposes the prayer for bail submitting that there is allegation against the petitioners in the FIR.

Having regard to the submissions made hereinabove and considering the distinct lack of material against the petitioners and further considering their period of custody along with submission of charge sheet, the petitioners above named are directed to be released on bail on furnishing bail bonds of Rs. 20,000/- (twenty thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Buxar in connection with Sikraul P.S. Case No. 116 of 2021, subject to the following conditions :

- (i) One of the bailors will be a close relative of the petitioners.
- (ii) The petitioners will remain present on each and every date fixed by the court below.
- (iii) In case of absence for three consecutive dates or in violation of the terms of the bail, the bail bonds of the petitioners will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

Rajnish/-

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

