

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70615 of 2021

Arising Out of PS. Case No.-183 Year-2020 Thana- BAUNSI District- Banka

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1. MD. AHMAD ANSARI Son of Late Habib Ansari Resident of village - Navtolia, P.S.- Banka, District - Banka.
 2. Md. Idrish Ansari Son of Late Gafur Ansari Resident of village - Navtolia, P.S.- Banka, District - Banka.
 3. Md. Kuddus @ Kudrish Ansari Son of Late Gafur Ansari Resident of village - Navtolia, P.S.- Banka, District - Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Mukherjee, Advocate
For the Opposite Party/s : Mr. Madan Kumar, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

6 13-10-2022 Let the defect(s), if any, be removed within two weeks
from today.

Heard learned counsel for the petitioners and learned
A.P.P. for the State.

The petitioners seek regular bail in connection with
Bounsi P.S. Case No. 183 of 2020 lodged under Sections 302
and 120(B)/34 of the Indian Penal Code read with section 27 of
the Arms Act.

As per prosecution, the informant has disclosed that in
the evening of 27.07.2020 at about 5-6 p.m. the mother of the
informant visited in the eastern part of village and have seen

some persons 5-6 in number were going on two motorcycles. The informant has anticipated that they may visited there to kill his *mama*, due to this reason he has visited to *mama*, subsequently they threatened the informant and asked him to go away from the said place, due to fear he fled away from the said place and became silent at a nearby place, after 2-4 minutes informant heard the sound of fire and when reached there then found that his *mama* is laying unconscious and received a bullet injury in his chest, on the basis of which he indicates the involvement of Amit Yadav as the entire happening has taken place at the house of Amit Yadav.

Learned counsel for the petitioners submit that petitioners are innocent and have committed no offence. He also submits that petitioner nos.1 and 2 have moved in anticipatory bail before this Hon'ble Court and during pendency of the case petitioner nos.1 and 2 were arrested but the pairwikar could not informed to the arguing counsel about their arrest before this Court, in result anticipatory bail was granted vide order dated 15.12.2021 passed in Cr. Misc. No. 4254 of 2021. Learned counsel further submits that petitioners are in custody since 16.08.2021 and charge sheet has already been filed in this case. Learned counsel further submits that there is only suspicion on

the basis of which the present case has lodged. He further submits that there are criminal antecedent of the petitioners, in which they are on bail.

Learned counsel for the State opposes the prayer for bail.

In the present facts and circumstances of the case and the submissions made above, let the petitioners above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate/ Court Concerned, Banka in connection with Bounsi P.S. Case No. 183 of 2020, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioners shall support in trial and shall appear physically before the lower court on each and every date fixed, in case of non-appearance for two consecutive dates without sufficient cause, shall be resulted into cancellation of their bail bonds.

B. One of the bailors shall be close relative who shall file an affidavit before the court about his relationship with the petitioners.

C. The petitioners shall file an affidavit at the time of

furnishing of bail bond that they shall not involve in such criminal activity during the continuance of present bail bond, violation of this condition shall be resulted into cancellation of their present bail bonds.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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