

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70609 of 2021**

Arising Out of PS. Case No.-131 Year-2012 Thana- CHENARI District- Rohtas

MD. HASIM @ HASIM ANSARI Son of Late Salim @ Salim Ansari
Resident of Village - Kazichak, P.S.- Rafiganj, District - Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raghunandan Kumar Singh
For the Opposite Party/s : Mr.Md. Matloob Rab

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

3 13-10-2022 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 seek bail in connection with Chenari
P.S. Case No. 131 of 2012 registered for the offences punishable
under Sections 302, 201/34 of the Indian Penal Code.

As per prosecution case, dead body of male aged
about 35 years was found lying beside four lane highway. FIR
has been lodged against unknown.

Learned counsel for the petitioner submits that
petitioner is in custody since 12.08.2021. Petitioner bears
criminal antecedent one case. Charge sheet has been submitted
in the case and there is no likelihood of tampering with the



prosecution evidence. Learned counsel for the petitioner further submits that petitioner is not named in the FIR. The name of the petitioner has been surfaced during the course of investigation. Petitioner has remanded in the present case from Madanpur P.S. Case No. 228 of 2012. It is also evident from Para 25 of the case diary that cigarette packets in huge quantity were recovered from the house of co-accused Md. Shoaib and Mahboob Ansari. Nothing has been recovered from the possession of the present petitioner. Co-accused Md. Azhar@ Azhar having similar allegation has already been granted bail vide Cr. Misc. No. 44744 of 2018 and the case of the present petitioner stands on similar footing.

The learned A.P.P. for the State vehemently 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, similarly situated co-accused has already been granted bail and 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)



each with two sureties of the like amount each to the satisfaction of Learned Additional Chief Judicial Magistrate-II, Rohtas at Sasaram in connection with Chenari P.S. Case No. 131 of 2012, 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 tamper 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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