

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.343 of 2022

Arising Out of PS. Case No.-76 Year-2021 Thana- MAJHAULIA District- West Champaran

Chand Mohammad Ansari, Son of Mansur Ansari Resident Of Village -
Semra Ghat , Brita Tola, P.S.- Majhauriya, Distt.- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey

For the Opposite Party/s : Mr. Umanath Mishra

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

4 14-11-2022 Heard Id. counsel for the petitioner and Id. APP for
the State.

The petitioner seeks bail in connection with
Majhauriya P.S. Case No. 76 of 2021, registered for the
offences punishable under Sections 341, 323, 302, 504 and
34 of the Indian Penal Code.

The prosecution case as emerges from the FIR is
that the father of the informant was brutally beaten by the
petitioner and his family members by leg, fist and slaps. It is
further alleged that the petitioner and his associates kicked
at the abdomen of the informant's father, due to which he
died.



The Ld. counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that on account of land dispute, the informant has lodged the present FIR. He further submits that the allegation of injury is not supported by postmortem report, because as per postmortem report there was no ante-mortem external injury and cause of death was not ascertained by the doctor conducting the postmortem, though viscera has been reserved. He further submits that the investigation is complete, charge-sheet has already been submitted and even charge has been framed.

The petitioner has been languishing in jail since 10.02.2021.

It is also stated in paragraph no. 2 of the petition that the petitioner has not moved earlier before this Court for grant of anticipatory bail or regular bail.

It has further been stated in paragraph no. 3 that the petitioner has no criminal antecedent.

However, the learned APP for the State vehemently opposes the prayer of the petitioner for bail.



Considering the aforesaid facts and circumstance, the petitioner, above-named, is directed to be released on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the Ld. C.J.M., Bettiah, West Champaran in connection with Majhauriya P.S. Case No. 76 of 2021 on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not hamper on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedent, the



learned court below shall cancel the bail bond of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedent despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, the learned court below shall cancel the bail bond of the petitioner.

The application stands allowed accordingly.

The learned counsel for the petitioner is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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