

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6271 of 2023

Arising Out of PS. Case No.-144 Year-2022 Thana- HUSSAINGANJ District- Siwan

FIROJ ANSARI S/O LATE ALIM ANSARI R/v- Habibnagar Shankarpur,
P.S.- Husainganj, District- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur, Advocate Mr. Ritwik Thakur, Advocate Ms. Vaishnavi Singh, Advocate
For the Opposite Party/s	:	Mr. Upendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 22-06-2023 Heard learned counsel appearing on behalf of the parties.

The petitioner seeks bail in connection with Hussainganj P.S. Case No. 144 of 2022 registered for the offence under Sections 307, 302, 120B/34 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act, 2018.

The accused/petitioner is named in the F.I.R. and is in custody since 02.12.2022.

The allegation against the petitioner is to commit murder of one of the police personnel, while barricading and checking the offending vehicle, alleged to be occupied and driven by petitioner and other co-accused persons, loaded with



illegal illicit liquor, total of 42 litres.

Learned counsel appearing on behalf of the petitioner submitted that petitioner was not apprehended on spot and his implication is mere on the basis of disclosure of local *Chaukidar*. It is submitted that even during course of investigation the statement of said local *Chaukidar* was not recorded, which is calyx of present implication. It is submitted that death is *prima facie* appearing out of accident, where, during course of investigation, it appears that vehicle was driven by one Vivek Kumar Kushwaha and not by this petitioner. While traveling over the argument, it is submitted that even the illicit liquor cannot be said recovered from conscious physical possession of the petitioner, as he was not apprehended with illicit liquor. While concluding the argument, it is submitted that petitioner found involved in 04 another criminal cases, where, he is on bail and moreover, investigation of this case has completed, for which, charge-sheet has already submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State, opposes the prayer of bail.

Considering the facts and circumstances as mentioned above and by taking note of fact, as petitioner was not



apprehended on spot, where, his named was disclosed by unnamed local *Chaukidar*, whose statement was not recorded even during course of investigation, where, alleged offending vehicle was driven by one Vivek Kumar Kushwaha coupled with the fact that charge-sheet has already submitted, where, petitioner is in custody since 02.12.2022, let the petitioner, above named, is directed to be released on bail in connection with Hussainganj P.S. Case No. 144 of 2022, on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Exclusive Special Excise Court No.1, Siwan/concerned court, subject to the condition as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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