

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15711 of 2023

Arising Out of PS. Case No.-148 Year-2022 Thana- YADOPUR District- Gopalganj

Aslam Ansari @ Aslam Ali S/O Dhora Alam @ Dhora Miyan R/O-
Awadhnagar, Nawka Tola, P.S. Jadopur, District Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mukesh Kant, Advocate

For the Opposite Party/s : Mr.Anil Kumar Singh No. 1, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 25-07-2023 Heard learned counsel for the petitioner, learned
counsel for the informant and the learned A.P.P. for the State.

2. The petitioner seeks bail, who is in custody since
26.08.2022 in connection with Jadopur P.S. Case No. 148 of
2022, F.I.R. dated 25.08.2022 registered for the offence
punishable under Sections 147,148,149,302 of IPC.

3. The prosecution case, in brief, is that the informant
alleged that on 23.08.2022 all the FIR named accused persons
including the petitioner came to his house with sharp edged
weapons and started abusing, when informant's son came and
said them do not abuse. Then they started beating him, Bhanu
Ansari assaulted on the head of deceased with sword and
deceased fell down there then Aslam Ansari and Firoz Ansari
attacked the deceased with Farsa to kill him. Due to which



informant's son got badly injured. During course of treatment, the son of the informant died.

4. Learned counsel appearing for the petitioner submits that the petitioner has clean antecedent and he has falsely been implicated in the present case. The allegation as alleged in the FIR is false and fabricated and the petitioner has not committed any offence as alleged in the FIR. Further submits that from bare perusal of the FIR it appears that the date of occurrence as alleged in the FIR is 23.08.2022 but the present FIR has been instituted on 25.08.2022 afterthought only to falsely implicate the petitioner in the present occurrence. Further submits that the allegation as alleged in the FIR is not supported by the death certificated of the victim and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 26.08.2022.

5. Learned counsel for the informant and learned A.P.P. for the State, on the other hand, have vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Gopalganj in



connection with Jadopur P.S. Case No. 148 of 2022,with the following conditions:-

(I) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(II) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(III) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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