

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16065 of 2023

Arising Out of PS. Case No.-51 Year-2021 Thana- MADHWAPUR District- Madhubani

Md. Samim Ansari @ Samim Ansari @ Chhote Ansari Son of Late Muslim
Ansari R/o village - Pathanpura (Sursand), P.S.- Sursand, Dist.- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Santosh Kumar, Advocate

For the Opposite Party/s : Mr. Kumar Veerendra Narayan, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 20-07-2023 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail, who is in custody since
30.06.2021, in connection with Madhwapur P.S. Case No. 51 of
2021, F.I.R. dated 20.04.2021 registered for the offences
punishable under Sections 395 and 397 of the Indian Penal Code.

The F.I.R. of the occurrence of loot is against
unknown.

Learned counsel for the petitioner submits that the
petitioner is innocent and he has been falsely implicated in the
present case. He further submits that the petitioner is not named
in the F.I.R. and the name of the petitioner has been transpired
during investigation on the basis of confessional statement of co-
accused persons namely Shibu Sahani. He further submits that



nothing has been recovered from the possession or the house of the petitioner and till date no test identification parade was conducted by the prosecution. He further submits that co-accused namely Md. Taukir has been granted bail by a Coordinate Bench of this Court vide order dated 06.05.2022 passed in Cr. Misc. No. 71223 of 2021, another co-accused person namely Shibu Sahani has been granted bail by a Coordinate Bench of this Court vide order dated 07.06.2022 passed in Cr. Misc. No. 5152 of 2022, another co-accused person namely Rakesh Panjiyar has been granted bail by a Coordinate Bench of this Court vide order dated 03.11.2022 passed in Cr. Misc. No. 38274 of 2022 respectively. He further submits that the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 30.06.2021.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner carries twelve cases other than the present one but fairly submits from paragraph-3 of the petitioner that out of 12 cases, petitioner is on bail in eleven cases.

Considering the facts and circumstances of the case and the period of custody, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, Benipatti at



Madhubani in connection with Madhwapur P.S. Case No. 51 of 2021, subject to the following conditions :-

(1) 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 absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

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

(3) 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 antecedents, 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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