

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21577 of 2023

Arising Out of PS. Case No.-92 Year-2022 Thana- HUSSAINGANJ District- Siwan

AZAD ANSARI @ AZAD ALI Son of Katabuddin R/V- Hathaudi Tola
Mahuwal PS- Hussainganj Dist- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Yogesh Chandra Verma, Sr. Adv.
Mr. Kumari Anupam, Adv.
For the Opposite Party/s : Mr. Tarun Prasad Mandal, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

- 3 14-07-2023 1. Heard Mr. Yogesh Chandra Verma, learned Senior
counsel for the petitioner and learned Additional Public
Prosecutor for the State.
2. Petitioner seeks bail, who is in custody since
19.09.2022 in connection with S.T. No.486/2022, arising out of
Hussainganj P.S. Case No.92/2022, dated 05.04.2022, for the
offences punishable under Sections 302, 120B, 307 of the IPC
& Section 27 of the Arms Act.
3. According to prosecution case, the informant, who
is candidate of MLA election was going to his parental home by
his endeavour vehicle with his followers who were on another
vehicle and as soon as they reached near Mahuwal field, some
miscreants started firing and in this firing, Teg Ali Khan @



Bablu became injured and Binod Yadav died on way to hospital and the informant has belief that Osama Saheb, Md. Aftab, Guddu Mian, Sabir Mian, Dablu Khan, Azad Ansari (petitioner), Asique Siddique, Chhawani Singh and other miscreants were involved in this occurrence.

4. Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case. He further submits that it appears from the F.I.R. that the petitioner is named in the F.I.R. but there is no accusation of any assault or overt act attributed against the petitioner rather there is allegation that the petitioners and other co-accused persons have fired upon the informant. He further submits that except the confessional statement of the petitioner, no other cogent material has come during investigation to suggest the involvement of the petitioner in the present occurrence. He further submits that co-accused, namely, Tabrej Raja @ Bholu has been granted bail by a co-ordinate Bench of this Court vide order dated 20.12.2022, passed in Cr. Misc. No. 59079/2022, other co-accused, namely, Md. Faisal @ Taufi @ Faisal @ Faishal @ Md. Faishal has been granted bail vide order dated 11.05.2023 passed in Cr. Misc. No.14178/2023, other co-accused, namely, Kauser Imam @ Azad Hashmi has been



granted bail vide order dated 25.05.2023 passed in Cr. Misc. No.16922/2023, co-accused namely Sabir Miyan @ Shabir Hussain @ Shabir Ali has been granted bail vide order dated 26.06.2023 passed in Cr. Misc. No.2237/2023 and other co-accused namely Chawni Singh @ Sumit Singh has been granted bail vide order dated 28.06.2023 passed in Cr. Misc. No.20491/2023. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 19.09.2022.

5. Learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner has carried four criminal antecedent other than the present one but fairly submits on the basis of para-3 of the bail petition that the petitioner is on bail in all the four cases.

6. Considering the aforesaid facts and circumstances, 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 the learned Sessions Judge, Siwan in connection with S.T. No.486/2022, arising out of Hussainganj P.S. Case No. 92/2022, 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 witnesses, 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 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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