

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21277 of 2023

Arising Out of PS. Case No.-427 Year-2019 Thana- SIWAN MUFFASIL District- Siwan

ALAM ANSARI S/o- KALAMUDDIN ANSARI Resident of Village-
Maulanapur P.S.- Siwan Mufassil Dist- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	M/s K.N. Choubey, Sr. Advocate Prashant Kumar, Shashank Shekhar Dubey, Ritu Priyadarshini, Advocates
For the Opposite Party/s :		Mr. Ramchandra Sahni, APP
For the Informant	:	Mr. Md. Ataul Haque, Advocate

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

4 17-05-2023 1. Heard learned senior counsel for the petitioner and
learned APP for the State.

2. The petitioner has renewed his prayer for bail in
connection with Sessions Trial no. 94 of 2020, arising out of
Siwan Mufassil P.S. Case no. 427 of 2019, registered under
sections 302 and 34 of the Indian Penal Code.

3. As per the prosecution case, over a dispute it is
stated that the accused persons came variously armed and the
petitioner assaulted the mother of the informant with an iron rod
on her head leading to her death.

4. The earlier prayer for bail of the petitioner was
rejected vide order dated 8.12.2021 passed in Cr. Misc. no.



22269 of 2021 and again by order dated 31.8.2022 passed in Cr. Misc. no. 28975 of 2022.

5. Learned senior counsel appearing for the petitioner submitted that the prayer for bail of the petitioner was rejected on earlier occasion on merit. This Court had taken note of the fact that in course of investigation in paragraph nos. 6 and 7 of the case diary it has been stated that it was Kalamuddin Ansari who was the assailant of the deceased and not the petitioner herein. Further referring to the deposition of the two prosecution witnesses examined in course of trial, it is submitted that it was the neighbours of the co-villager who gave information to the police station and on the police coming, the body was taken to the hospital for postmortem examination. The petitioner is in custody since 23.12.2020 and undertakes to cooperate in the trial.

6. The application for bail is opposed by learned APP for the State who submits that even besides the petitioner being named in the FIR as the assailant, the prosecution witnesses in course of trial have supported the prosecution case.

7. Heard learned counsel for the parties. From the contents of the FIR the allegation against the petitioner is that as a result of his assaulting the mother of the informant with an



iron rod on her head, she died. This is supported by the contents of the postmortem examination report of the deceased as also by the two prosecution witnesses, namely, PW 1 Kyamuddin Ansari and PW 2 Farukh Ansari who have categorically stated in the trial that it was as a result of the blow given with an iron rod by the petitioner that the mother of the informant sustained serious injuries and died.

8. In view of the facts of the case, the Court is not inclined to enlarge the petitioner on bail and the application is rejected.

9. Learned trial court is directed to expedite the trial.

(Partha Sarthy, J)

Spd/-

U		T	
---	--	---	--

