

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22974 of 2023

Arising Out of PS. Case No.-72 Year-2022 Thana- MANSURCHAK District- Begusarai

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DANISH ANSARI @ MD. DANISH AZAD @ DANISH @ MD. DANISH
SON OF MD. JAHID Resident of village - Aagapur, P.S. - Mansurchak, Distt.
- Begusarai

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vinod Gautam

For the Opposite Party/s : Mr. Kanhaiya Kishore

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 18-05-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with
Mansurchak P.S. Case No. 72 of 2022 registered for the offence
punishable under Section 392 of the IPC.

As per prosecution case, informant stated that two
persons came on motorcycle and on the point of pistol looted
Rs. 32420/-, Realme Mobile, Pocket purse and one tab and after
committing the said occurrence fled away towards east.
Villagers disclosed the name of present petitioner and others
who fled away from the spot.

Learned counsel for the petitioner submits that
petitioner is in custody since 29.11.2022 and bears criminal



antecedent of five cases in which he is on bail in all cases. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. He further submits that there is delay of four days in lodging the FIR, the occurrence is of 05.08.2022 and the date of FIR is of 09. 08. 2022 and there is no plausible explanation given for said delay. He further submits that no incriminating article has been recovered from the conscious possession of the petitioner. Petitioner has been falsely implicated in the case just because of criminal antecedent. He further submits that except suspicion, there is nothing on record to connect the present petitioner with the alleged occurrence.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail, **after framing of charge** on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount



each to the satisfaction of learned Chief Judicial Magistrate,
Begusarai in connection with Mansurchak P.S. Case No. 72 of
2022 , subject to following conditions:-

(i) One of the bailors shall be either father or
mother or sister or brother or wife or the person who has sworn
the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will
remain present on all dates and absence for two consecutive
dates without appropriate permission, would be a ground for
cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

vashudha/-

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