

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32115 of 2023

Arising Out of PS. Case No.-10 Year-2019 Thana- DHANAHAN District- West Champaran

Jayaul Ansari @ Jayaul Haque Ansari @ Jiyaul Ansari @ Jiyaul Haque Ansari, aged about 24 years, Male, S/O Mustafa Ansari, Resident of village- Khalwapatti, Kathar Tola, P.S.- Dhanaha, District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N.K. Agrawal, Sr. Advocate Mr. Shailesh Kumar, Advocate Mrs. Diksha Kumari, Advocate
For the Opposite Party/s	:	Mr. Damodar Prasad Tiwary, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 05-07-2023 Heard Mr. N.K. Agrawal, learned senior counsel assisted by Mr. Shailesh Kumar, learned counsel appearing on behalf of the petitioner and Mr. Damodar Prasad Tiwary, learned APP appearing on behalf of the State.

2. Petitioner seeks bail in connection with S. Tr. No. 230 of 2022 arising out of Dhanaha P.S. Case No. 10 of 2019 registered under Sections 302, 201 and 120(B) of the Indian Penal Code.

3. This is the third attempt made by the petitioner to renew his prayer for bail on the ground of changed circumstances that only one co-accused against whom similar allegation has been made in the FIR has been granted bail by a



co-ordinate Bench of this Court vide order dated 11.04.2023 passed in Criminal Miscellaneous No. 71038 of 2022.

4. The allegation against the petitioner and others is of killing the nephew of the informant and then destroying the evidence.

5. Learned senior counsel appearing on behalf of the petitioner submitted that petitioner was last seen along with the victim and the co-accused, namely, Jifrul Haque Ansari, against whom similar allegation has been made, who had also renewed his prayer for bail and has already been granted bail by a co-ordinate Bench of this Court vide order dated 11.04.2023 passed in Cr. Miscellaneous No. 71038 of 2022. Learned senior counsel further submitted that the evidences collected in course of investigation do not establish the chain of circumstances against the petitioner. Petitioner has no criminal antecedent and he is in custody since 16.09.2019.

6. Considering the changed circumstances as well as the fact that out of 13 charge-sheeted witnesses, 8 witnesses are yet to be examined despite the direction of this Court to conclude the trial within nine months. Co-accused, namely, Jifrul Haque Ansari, against whom similar allegation has been made, who had also renewed his prayer for bail and has already



been granted bail by a co-ordinate Bench of this Court vide order dated 11.04.2023 passed in Cr. Miscellaneous No. 71038 of 2022. Petitioner is in custody since 16.09.2019. I am of the opinion that petitioner has, *prima facie*, made out a case to be released on bail.

7. The Court below is directed to release the petitioner, above named, on bail on furnishing bail bond of Rs.25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-IIIrd, Bagaha, West Champaran, in connection with S. Tr. No. 230 of 2022 arising out of Dhanaha P.S. Case No. 10 of 2019, subject to the following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

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

(4) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take



steps to cancel his bail bonds.

(5) The Court below is directed to verify the criminal antecedent of the petitioner as stated in paragraph no. 3 of the bail application. If any other case is pending against the petitioner as what has been stated in paragraph no. 3, this order will loose its force automatically.

8. The bail application, accordingly, stands disposed of.

(Purnendu Singh, J)

Niraj/Minu

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