

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28409 of 2023

Arising Out of PS. Case No.-6 Year-2023 Thana- ARA MUFFSIL District- Bhojpur

1. Shamim Ansari @ Shamim, Son of Islam Ansari .
2. Shamsad Alam, Son of Salim Ansari.
Both are R/O Village- Ghodadai, P.S.- Ara Muffasil, District- Bhojpur At Ara

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Ms. Surekha Kumari, Advocate
For the Informant	:	Mr. Md. Ataul Haque, Advocate
For the Opposite Party/s	:	Mr. Vinod Shanker Modi, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

- 2 25-05-2023 1. Heard learned counsel for the petitioners, learned counsel for the informant and the learned APP for the State.
2. Petitioners seek regular bail in connection with Ara Muffasil P.S. Case No. 06 of 2023 dated 04.01.2023 registered for the offences punishable under Sections 147, 148, 149, 341, 323, 504, 506 and 302 of the Indian Penal Code
3. The main submissions advanced by the learned counsel for the petitioners are that both the petitioners have fair and clean antecedent, altogether 8 accused persons including the petitioners have been named in the FIR but there is no specific allegation against the petitioners and two co-accused persons namely, Salim Ansari and Jamshed Alam are carrying



specific allegation and according to the FIR the co-accused Salim Ansari ordered the co-accused Jamshed Alam to kill the informant's father and in following with that direction/order an iron rod blow was inflicted at the head of the informant's father which resulted in his death and in respect of the said allegation any specific role of any of the petitioners has not been attributed against any of them and simply a dispute of discharging of dirty water is stated to be the genesis of occurrence and the same also shows that the alleged occurrence was not pre-planned. Further submissions are that as per the postmortem report of the deceased, the cause of death was opined due to head injury caused by hard and blunt object and the same is specifically attributed against the co-accused Jamshed Alam as per FIR and no other injuries except the said head injury was found on the body of the deceased and the same is sufficient to falsify the allegation levelled against the petitioners in the FIR and moreover the petitioners have been languishing in jail since 30.01.2023 and against them the investigation has been completed.

4. Learned APP appearing for the State as well as learned counsel for the informant vehemently opposes the bail prayer and submits that there is serious allegation against the



petitioners and they were present at the place of occurrence and they were also members of the assailants’ group and they do not deserve to the privilege of bail.

5. Considering the above submissions and mainly the fair and clean antecedent of the petitioners and the completion of investigation against them and also the nature of allegation appearing against them from the FIR, in my opinion, it is a fit case for bail to the petitioners. Accordingly, let the petitioners named-above be enlarged on bail in connection with Ara Muffasil P.S. Case No. 06 of 2023 on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the Court concerned.

(Shailendra Singh, J)

Rajiv/-

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

