

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30023 of 2023

Arising Out of PS. Case No.-157 Year-2022 Thana- CHAKAI District- Jamui

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MOHAMMAD ANSARI SON OF LATE BEHAR MIAN RESIDENT OF
VILLAGE GURUDABAD, P.S CHAKAI, DISTRICT -JAMUI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Satya Prakash Parasar, Advocate

For the Opposite Party/s : Mr. Dr.Mrityunjaya Kr.Gautam, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

4 21-08-2023

Heard the parties.

The petitioner is an accused in connection with Chakai P.S. Case No. 157 of 2022 registered for the offences under sections 147,148, 149, 302 and 120(B) of the Indian Penal Code lodged on 10.07.2022 by the informant, Lekho Ansari.

As per the prosecution story, his son was missing and as they were in search, went towards forest and saw Kalam Ansari, Rahman Ansari and Masraf Ansari having axe/sticks/bamboos in their hand while the other accused persons were trying to escape, the petitioner being one of them. Later, they found the dead body of the son followed by the FIR.

It is the case of the petitioner that no one has seen the occurrence. Though the informant has named three accused persons who were armed variously, so far as this petitioner is concerned, only thing has come against him is that he was amongst the person who was fleeing away.



The last submission is that one of the three accused persons Kalam Ansari @ Kalam Mian who was found with arms has since been granted bail by a co-ordinate bench in Cr. Misc. No. 39838 of 2023 on 31.07.2023.

Let the same be kept on record.

Learned APP for the State, on the other hand, opposes the prayer for bail stating that he was amongst the person present there.

Taking into account the submissions put forward by the learned Counsel for the petitioner, one of the co-accused Kalam Ansari @ Kalam Mian has been granted bail, as stated above, even other accused persons namely, Zalil Ansari @ Zalil Mia, Anush Mia @ Anish Mia @ Budhu @ Anush Ansari and Kurban Mia @ Kurban Ansari have also been extended the privilege of bail in Cr. Misc. No. 69293 of 2022, this Court is inclined to extend him privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousands only) with two sureties of like amount each to the satisfaction of the learned J.M. 1st Class, Jamui in connection with Chakai P.S. Case No. 157 of 2022, subject to the following conditions:-

(i) one of the bailor should be the family member of



the petitioner who shall provide official document to show his
bona fide;

(ii) the petitioner shall appear on each and every date
before the Trial court and failure to do so for two consecutive
dates without plausible reason will entail cancellation of his bail
bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned
police station every fortnight for next six months to mark
attendance;

(iv) the petitioner shall in no way try to induce or
promise or threat the witnesses or tamper with the evidences,
failing which the State shall be at liberty to take steps for
cancellation of his bail bonds;

(v) the petitioner shall desist from committing any
criminal offence again failing which the State shall be at liberty
to take steps for cancellation of the bail bonds.

With the aforesaid observations, the bail application is
allowed.

(Rajiv Roy, J)

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