

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30260 of 2023

Arising Out of PS. Case No.-148 Year-2022 Thana- YADOPUR District- Gopalganj

=====

Firoj Ansari @ Firoj Ali Son of Dhodha Miyan Resident of village - Awadh
Nagar Naika Tola, P.S. - Yadopur, Distt. - Gopalganj Petitioner/s
Versus

The State of Bihar Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Harsh Anuj, Advocate
For the Opposite Party/s : Mrs. Pushpa Sinha.1, APP

=====

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 01-09-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since 10.02.2023 in connection with Yadopur P.S. Case No. 148 of 2022, F.I.R. dated 25.08.2022 for the offences punishable under Sections 147, 148, 149 and 302 of the Indian Penal Code.

3. According to prosecution case, all the accused persons including the petitioner have assaulted the son of the informant by means of deadly weapons. It is further alleged the co-accused, Bhanu Ansari attacked with sword while this petitioner along with Aslam Ansari attacked on him by means of Farsa due to which he sustained several injuries and he died during his treatment.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the



petitioner has not committed any offences as alleged in the F.I.R. He further submits that from perusal of the F.I.R it appears that the date of occurrence as alleged in the F.I.R is 23.08.2022 but the present F.I.R was instituted on 25.08.2022 i.e. after delay of 2 days without giving any explanation of the said delay. He further submits that there is no allegation of any assault or overt act attributed against the petitioner rather there is general and omnibus allegation against all the accused persons including the petitioner that they have assaulted the victim. He further submits that the allegation as alleged in the F.I.R was not supported by the postmortem report of the victim. He further submits that the police after investigation submitted the charge sheet against the petitioner. He further submits that similarly situated, co-accused, namely, Aslam Ansari @ Aslam Ali has been granted bail by this Court vide order dated 25.07.2023 passed in Cr. Misc. No. 15711 of 2023. The petitioner is in custody since 10.02.2023.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of



the like amount each to the satisfaction of the learned Judicial Magistrate, 1st Class, Gopalganj in connection with Yadopur P.S. Case No. 148 of 2022, subject to the following conditions:-

i. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. 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.

iii. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

Vanisha/-

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

