

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30359 of 2023

Arising Out of PS. Case No.-951 Year-2022 Thana- FORBESGANJ District- Araria

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FIROZ ANSARI @ MD. FIROZ ANSARI son of Md. Tahir Ansari R/o-
Rampur Uttar, ward no-1, Ps- Forbesganj, Dist- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arun Kumar Mandal

For the Opposite Party/s : Mr. Dr. Ajeet Kumar

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 26-07-2023 1. Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 365, 302,
201, 120(B), 34 of the Indian Penal Code.

3. The informant alleges that on 04.09.2022, at about
5:00 am, his son (deceased) had gone to meet the petitioner and
two other named accused but did not returned for three days,
thereafter, the informant went to the house of the petitioner to
find out but he did not get any satisfactory answer, it is next
alleged that, thereafter, the mobile number of the deceased was
also switched off, it is next alleged that someone informed the
informant that an altercation took place between the deceased
and the named accused persons, thereafter, on 08.09.2022,



informant got to know that the police has identified a dead body from the side of a canal whom the informant recognized as his son, thus alleges that the named accused persons including the petitioner on account of an altercation killed his son and threw the dead body in the canal.

4. Learned counsel for the petitioner submits that the petitioner is a person with clean antecedent.

5. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case, it is next submitted that from bare perusal of the allegations as alleged in the FIR, it would manifest that the son of the informant had gone to meet the petitioner and other accused persons on 04.09.2022 and when he did not returned for nearly three days, thereafter, the petitioner started searching, it is thus submitted that this amply demonstrates that the informant never had any apprehension that such occurrence might be committed by the petitioner or else the informant, on the same day, when the deceased did not return, would have gone to the house of the petitioner looking for his son, it is further submitted that the informant further alleges that he came to know from someone that there was an altercation between his son and the petitioner and other accused persons, on account of which, he was killed



but then the FIR does not even remotely suggests that the informant disclosed the name of the person who disclosed to him about the altercation of the deceased with the petitioner and others which further casts an aspersion on the case of the prosecution, thus the entire allegation hinges around suspicion. Learned counsel next submits that petitioner will not abscond, rather, will cooperate in the investigation and will present himself as and when required by the Investigating Officer for eliciting the truth and proving his innocence.

6. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

7. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Forbesganj P.S. Case No. 951 of 2022 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

8. However, it is made clear that in the event if the



Investigating Officer of the case files an application before the learned Trial Court bringing to its notice that the petitioner despite giving assurance to this Court is not cooperating in the investigation or is not producing himself when called, the learned Trial Court would be at liberty to cancel the bail bonds of the petitioner after recording reasons.

9. Let a copy of this order be sent to the concerned P.S. through the learned Trial Court.

10. It is further made clear that in the event if charge sheet is submitted, connecting the petitioner with the offence, in that event, the present anticipatory bail order shall lose its effect.

(Satyavrat Verma, J)

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