

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.45908 of 2023

Arising Out of PS. Case No.-410 Year-2021 Thana- BHORE District- Gopalganj

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MOHAMMAD JABBAR @ JABBAR ANSARI SON OF MOHAMMAD ANSARI @ NOOR MOHAMMAD RESIDENT OF VILLAGE- BHOPATPURA, PS- BHOREY, DISTRICT- GOPALGANJ

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vinay Ranjan

For the Opposite Party/s : Mr. Anil Prasad Singh

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA

ORAL ORDER

- 4 16-10-2023 1. Heard learned Counsel for the petitioner and learned Additional Public Prosecutor for the State.
2. This application, for grant of anticipatory bail, arises out of Bhorey Police Station Case No. 410 of 2021, dated 19.09.2021, disclosing offences under Sections 302/120B/34 of the Indian Penal Code.
3. The prosecution case, on the basis of First Information Report, is that on 18.09.2021, at about 05:00 PM, a call on the mobile phone was received by the informant's son, namely, Irfan Ansari (deceased), and at about 08:00 PM, the son of the informant left house saying that he would return after some time. On 19.09.25021, in the morning,



the informant received information from the villagers that dead body of her son is lying on the bank of Siyahi river graveyard, who has been murdered having stab marks on his neck.

4. Learned Counsel for the petitioner submits that the petitioner is not named in the First Information Report and he has falsely been implicated in this case due to village politics. He next submits that after six months of lodging of First Information Report on 18.05.2022, a petition was filed by the informant before the Investigating Officer, alleging therein, that the petitioner, along with one Phool Mohammad and one Prashant Rai, have committed the murder of the informant's son. Upon that application, enquiry was conducted by the police and during the process of enquiry several witnesses were examined. No witness has supported the allegation made in the complaint. It has been found that on the date of the occurrence, Phool Mohammad had gone to Saudi Arabia and Prashant Rai was also not present near the place of occurrence. He further submits that no material is on record against the petitioner, who is a private tutor, and has been made accused due to the fact that he happens to



be co-villager and resides near the vicinity of the house of the informant.

5. Learned counsel for the State opposes the prayer for bail and submits that the Investigation Officer, after investigation, has found that the allegation leveled against the petitioner is true and the charge-sheet has not yet been submitted.
6. I have heard learned counsel for the parties and have gone through the materials on record.
7. From perusal of the various paragraphs of the Case Diary, starting from paragraph no. 123 onwards, in which statement of spy and other witnesses were recorded after receipt of the application of the informant by the police, prima facie no materials have come against the petitioner to connect him with the alleged offences, I am inclined to grant the petitioner privilege of anticipatory bail.
8. This application is, accordingly, allowed.
9. Let the petitioner, above named, in the event of his arrest or surrender before the Court below within four weeks, 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 learned Chief Judicial Magistrate,



Gopalganj, in connection with Bhorey Police Station Case
No. 410 of 2021, subject to the condition laid down under
Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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