

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41455 of 2022

Arising Out of PS. Case No.-92 Year-2021 Thana- DHAMDAHA District- Purnia

DAUD ANSARI Son of Late Atul Ansari, Resident of Village - Chandrahi,
Ward No.- 14, P.S.- Dhamtaha, District - Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Ajit Ranjan Kumar, Advocate
For the State	:	Mr.Ram Priya Sharan Singh, APP
For the Informant	:	Mr. Amit Kumar Anand, Advocate

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 11-01-2023 Heard the learned counsel for the petitioner and the learned APP for the State as also the learned counsel for the informant.

The petitioner seeks regular bail in connection with Dhamdaha P.S. Case No.92 of 2021 registered for the offences punishable under Sections 323, 341, 467, 468, 406, 420, 120-B/34 of the Indian Penal Code.

The case of the prosecution, according to the informant, is that the informant, namely, Nawab Mian had partitioned his land and given equal share to his four sons. However, two of his sons had sold soil from the land in question in an



unauthorized manner. However, when he had protested, they had abused and assaulted him. Subsequently, it appears that two sons of the informant, namely, Md. Sajjad and Md. Azad had got the land in question mutated in their favour by showing the informant to be dead. As far as the petitioner is concerned, he is stated to be a mediator, being a member of the panchayat held for settling the disputes, which had arisen, in between the informant and his four sons.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case, he is having a clean antecedent and he is languishing in custody since 19.05.2022.

Learned counsel for the petitioner has further submitted that not only the son of the informant, namely, Md.Sajjad @ Sajjad Alam has been granted bail by a co-ordinate Bench of this Court vide order dated 14.10.2022 passed in Cr. Misc. No.39301 of 2022 but another person who was also a mediator and is similarly situated to



the petitioner herein has also been granted privilege of bail by an order dated 11.02.2022 passed by a co-ordinate Bench of this Court in Cr. Misc. No.59208 of 2021.

Per contra, the learned counsel for the informant as also the learned APP for the State have vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available in the case-diary this Court finds that minuscule evidence is available on record so as to connect the petitioner with the alleged occurrence, nonetheless the fact is that similarly situated co-accused person has already been granted bail by a co-ordinate Bench of this Court, hence, I deem it fit and proper to admit the petitioner to the privilege of bail.

Accordingly, the above named petitioner is directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (rupees ten thousand) with



two sureties of the like amount each to the satisfaction of learned ACJM-IVth, Purnea in connection with Dhamdaha P.S. Case No.92 of 2021, subject to verification of antecedent of the petitioner by the court below.

(Mohit Kumar Shah, J)

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