

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40569 of 2022

Arising Out of PS. Case No.-7 Year-2022 Thana- BASOPATTI District- Madhubani

Md. Yunus Ansari, S/o Late Idrish Ansari R/o village- Naya Tola Duhabi
Bazar, P.S.- Basopatti, District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ratanakar Jha

For the Opposite Party/s : Mr. Zainul Abedin

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

5 24-02-2023 Heard Ld. counsel for the petitioner and Ld. APP
for the State.

The petitioner seeks bail in connection with
Basopatti P. S. Case No. 7 of 2022, registered for the
offences punishable under Sections 189, 353 and 34 of the
Indian Penal Code.

The prosecution case as emerges from the FIR is
that when the informant, who is Assistant Commandant, 48th
Battalian SSB, was going to village-Majhaura, Jankinagar, he
seized one Mahindra Mini Truck, bearing Registration No.
BR07GB0693, containing cosmetics. Thereafter, on his
mobile, phone calls had been received, through which he was



threatened by some unknown miscreants, including the accused-petitioner.

Ld. counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. She further submits that no incriminating material has been recovered from the conscious possession of the petitioner. She also submits that the petitioner has no concern with the alleged truck. She further submits that Section 353 of the Indian Penal Code has been added only to give serious colour to the case. She further submits that investigation in this case is complete and charge-sheet has already been submitted. However, she is not sure about framing of charge.

He further submits that the petitioner has been languishing in jail since 31.05.2022.

It has also been stated in paragraph no. 3 of the bail petition that the petitioner has no criminal antecedents.

It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one.



However, Ld. APP for the State vehemently opposes the prayer of the petitioner for bail.

Considering the aforesaid facts and circumstances, **this application is allowed**, directing the petitioner, above-named, to be enlarged on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Ld. Shri R. K. Cha, Judicial Magistrate 1st, Madhubani, in connection with Basopatti P. S. Case No. 7 of 2022, **after framing of charge, if not already framed**, on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not get hampered on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police



officer.

(iv) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedents, Ld. court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, Ld. court below shall cancel the bail bonds of the petitioner.

Ld. counsel for the petitioner is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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