

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51585 of 2023

Arising Out of PS. Case No.-11 Year-2019 Thana- CHAKAI District- Jamui

Badal @ Akhtar Ansari @ Badal Kora Son Of Sahadat Ansari Resident Of
Village - Luppi, P.S. - Bengabad, District - Giridih (Jharkhand)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mukesh Kumar, Advocate

For the Opposite Party/s : Mr. Uday Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 26-09-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. Petitioner seeks bail, who is in custody since 17.03.2023, in connection with Chakai P.S. Case No. 11 of 2019, F.I.R. dated 17.01.2019 registered for the offences punishable under Sections 302, 307/34 of the Indian Penal Code, Sections 25(1-b), 26/35/27 of the Arms Act and Sections 16, 17, 18, 19, 20, 21, 22 of the UAP Act.

3. The prosecution case, in brief, is that on 15.01.2019 at 11:57 P.M. informant received a secret information that the Naxals have killed two persons. On that information, the informant along with police force proceeded toward Village Garurabad and reached there where hundreds of villagers were assembled and on seeing the police the villagers raised hullas



and objected to lift the dead body. It has been further alleged that the villagers disclosed that Pintu Rana along with Siddhu Koda along with Naxals came and surrounded the village and they forcibly entered into the house of one Golka Ansari and killed his sleeping son Gulab and also entered into the house of one Md. Usman Ansari and opened indiscriminate firing and killed him and when his wife came to rescue then they also opened fire on her and as a result she became injured and the villagers disclosed the name of altogether 16 persons including the petitioner.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in the present case. He further submits that from perusal of the F.I.R. it appears that F.I.R. is in two parts, in first part, there is specific allegation against co-accused persons namely Pintu Rana and Siddhu Koda that they have fired upon he victim and in the second part, the informant has suspected that the other co-accused person including the petitioner was also accompanied with Pintu Rana and Siddhu Koda have committed the crime in question but there is no accusation of any assault or overt act attributed against the petitioner. He further submits that the petitioner has no concern at all with the other co-accused persons and due to previous criminal antecedent the name of the petitioner has been implicated in the present case. He further



submits that the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 17.03.2023.

5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner and submits that the petitioner is an active member of Nexalite Group and he and his associates committed the present crime in question and apart from the aforesaid, the petitioner carries three more cases other than the present one but fairly submits on the basis of paragraph-3 of the petition that the petitioner is on bail in the three pending cases.

6. Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M. III, Jamui in connection with Chakai P.S. Case No. 11 of 2019, subject to the following conditions :-

(1) 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.

(2) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move



for cancellation of bail.

(3) 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 antecedents, 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)

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