

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68281 of 2022

Arising Out of PS. Case No.-89 Year-2022 Thana- BARAHAT District- Banka

1. MOHIN ANSARI @ MD. MOIN Son of Gaffar Ansari R/v- Dhobani, P.S.- Barahat, District- Banka
2. MD. AZAD ANSARI @ MD. AZAD Son of Gaffar Ansari R/v- Dhobani, P.S.- Barahat, District- Banka
3. GIBUA ANSARI @ JIBUA ANSARI Son of Attar Ansari R/v- Dhobani, P.S.- Barahat, District- Banka
4. SABIR ANSARI Son of Sahadat Ansari R/v- Dhobani, P.S.- Barahat, District- Banka
5. MD. NAUSAD ANSARI @ MD. NAUSAD Son of Alamgir Ansari R/v- Dhobani, P.S.- Barahat, District- Banka
6. TAYAB ANSARI @ TAYAB AHMED Son of Late Mohril Ansari R/v- Domuhan, Post and Police Station- Banka, District- Banka
7. IDU ANSARI @ IDODA ANSARI Son of Late Mohril Ansari R/v- Domuhan, Post and Police Station- Banka, District- Banka
8. USMAN ANSARI Son of Late Shobhani Ansari R/v- Dhopsanda, P.S.- Dhoraiya, District- Banka
9. MD. IZARIL ANSARI @ IZARAIL ANSARI @ IZARAIL @ DANISH PRAWEZ Son of Murshid Ansari @ Khurshid Alam R/v- Khajuri Gariya, P.S.- Dhoraiya, District- Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Balram Kapri, Advocate
For the Opposite Party/s : Mr.Upendra Kumar,APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 11-05-2023 Heard learned counsel for the parties.

The petitioners apprehend their arrest in a case registered for the offence under Sections 120(B), 302, 379, 201/34 of the Indian Penal Code.

The prosecution case, in brief, is that on 01.05.2021 at 10:30 PM, the informant received an information from Taiyab



and Iddu Ansari that his brother has met with an accident and hospitalized in Chitranjan Hospital, Kolkata. On this information, the informant rushed there and saw the dead-body of his brother and found that there was a serious injury on the head of the deceased and blood was coming out from nose and ear and also the nerve of thigh was cut off. It is further alleged that Rs. 5 lacs was due with the accused persons and there was dispute between the accused and in order to grab that amount, the accused persons killed the deceased.

It is submitted on behalf of petitioners that petitioners have been falsely implicated in this case with an oblique motive. As a matter of fact, the deceased died on 01.05.2021, *post-mortem* was conducted on 03.05.2021, but complaint was lodged on 24.12.2021 i.e. after an inordinate delay of seven months, without there being any plausible explanation of delay, which creates serious doubt on the veracity of the prosecution case. Informant is not eye-witness of the occurrence and only on suspicion, petitioners have been made accused in this case. In the *post-mortem* report, the cause of death is *due to subarachnoid haemorrhage*, which occurs due to falling down.

Learned A.P.P. for the State has opposed the bail petition.



Considering the aforesaid facts and circumstances, let the above named petitioners, in the event of their arrest/surrender within a period of six weeks from today, be enlarged on bail on furnishing bail-bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Banka in connection with Banka P.S. Case No. 89 of 2022 (CIS Reg. No. 1168 of 2022), subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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