

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69293 of 2022

Arising Out of PS. Case No.-157 Year-2022 Thana- CHAKAI District- Jamui

1. ZALIL ANSARI @ ZALIL MIA S/O Sobhi Mia
2. Anush Mia @ Anish Mia @ Budhu @ Anush Ansari S/O Mazid Miya
3. Kurban Mia @ Kurban Ansari S/O Rasul Mia
All R/O Village- Garurbad, P.S- Chakai, District- Jamui

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Ajay Kumar Thakur, Advocate
	:	Mrs.Vaishnavi Singh, Advocate
For the Opposite Party/s	:	Mr.Sanjay Kumar,APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 29-04-2023 Heard learned counsel for the petitioners and the learned A.P.P. for the State.

The petitioners seek bail, who are in custody since 12.07.2022 in connection with Chakai P.S.Case No.157 of 2022, F.I.R. dated 10.07.2022 registered for the offence punishable under Section 147,148,149,302,120(B) of the Indian Penal Code.

The prosecution case, in short, is that the informant alleged that on 10.07.2022 at 10.00 hours his son suddenly went missing. Then he alongwith others started searching when suddenly he heard noises from a bush and saw that all the accused persons including the petitioners were present armed with Danda and Axe, who on seeing him, started to run. When



he reached near the Baswari he saw his son Akbar Ansari's dead body was lying down and both of his hand were cut by Kulhari, behind his head there were cut by Kulhari and on the nose bloodstained injury.

Learned counsel appearing for the petitioners submits that the petitioners have clean antecedent and they have falsely been implicated in the present case mainly on the basis of the suspicion. Further submits that the informant is not the eye witness of the alleged occurrence even no body has seen the occurrence and no one has claimed that he is the eye witness of the alleged occurrence and only on the basis of suspicion, the name of the petitioners have falsely been implicated in the present case and except the suspicion, nothing has come during investigation against the petitioners to suggest the involvement of the petitioners in the present case and the police, after investigation, submitted chargesheet against the petitioners and the petitioners are in custody since 12.07.2022.

Learned APP for the State has opposed the prayer for bail of the petitioners.

Considering the aforesaid fact, let the petitioners, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) each with two sureties of the like



amount each to the satisfaction of learned Judicial Magistrate 1st Class, Jamui in connection with Chakai P.S.Case No.157 of 2022, with the following conditions:-

(1) Petitioners 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 their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

(2) If the petitioners tamper with the evidence or the witnesses, 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 petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. 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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