

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 73769 of 2022

Arising Out of PS. Case No.-104 Year-2022 Thana- CHAPRA TOWN District- Saran

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Ainul Ansari @ Md. Ainul Ansari Son of Late Hatim Ansari Resident of
Village- Kishko, P.S.- Kishka, District- Lohardaga (Jharkhand)
Presently resident of Mohalla- Langar Toli Chouraha, P.S.- Kadamkuan,
District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Md. Ataul Haque, Advocate
For the Opposite Party/s : Mr. Akhileshwar Dayal, APP

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 22-05-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor (for brevity, APP) appearing for
the State of Bihar.

The petitioner apprehends arrest in Chapra Town Police
Station (for brevity, PS) Case No. 104 of 2022 dated
16.02.2022, registered for the offence punishable under Section
409 of Indian Penal Code.

The First Information Report (for brevity 'FIR') has been
lodged on 15.02.2022. It is alleged that on account of



petitioner's implication in Sultanganj P.S. Case No. 15 of 2020, the petitioner is not at his place of deputation as bodyguard with Member of Legislative Assembly and he has also not been deposited the 35 rounds of ammunition.

The learned counsel for the petitioner submits that the petitioner was availing legal process of grant of bail in Sultanganj P.S Case No. 15 of 2020, in which he has been granted bail. The issue in Sultanganj P.S. Case No. 15 of 2020 also stands compromised between the parties, as per the statement made by the petitioner in paragraph 3 of the anticipatory bail petition. Further submission is that the petitioner has also deposited the arms and ammunition, which is evident from Annexure 2, which shows deposit of the arms and ammunition in the armory before the arms ammunition Incharge at police line Chapra on 23.04.2022 through his wife. The petitioner claims that the action is *bona fide*. The fact that matter arising out of the Sultanganj P.S. Case No. 15 of 2020 has been compromised is a clear indication of the fact that the said case was lacking substance. The situations have compelled the petitioner to evade arrest.

The learned APP has opposed the prayer for bail. It is submitted that the petitioner's uniformed services requires high



standard of discipline. The petitioner has clearly breached the discipline and call of duty.

Considering the rival submissions, observing that it is open to the authorities to proceed against the petitioner in accordance with law in other proceedings, this Court , for the limited purposes of grant of bail, is, thus, inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail is allowed.

Accordingly, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of four weeks from today, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned CJM Saran at Chapra, in connection with Chapra Town P.S. Case No. 104 of 2022, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure and also the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.



(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

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(Madhuresh Prasad, J)

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