

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74935 of 2023

Arising Out of PS. Case No.-95 Year-2023 Thana- RUDRAPUR District- Madhubani

Md. Basir Ansari S/O Late Salim Ansari Village- Alpura, Ps. Rudrapur, Dist. Madhubani

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Manoj Kumar Jha, Advocate

For the Opposite Party/s : Mr. Umesh Lal Verma, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 29-11-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with Rudrapur P.S. Case No. 95 of 2023 registered on 28.07.2023 lodged under Sections 147, 148, 149, 448, 341, 323, 354-B, 307, 379, 504 and 506 of the Indian penal Code.

3. As per the prosecution case, F.I.R. has been lodged against 9 named accused persons including the present petitioner. The allegation against the petitioner and others is that they all attacked on the informant and her husband with a view to kill and due to the family dispute, the entire occurrence took place.

4. Counsel for the petitioner submits that admittedly the father-in-law of the informant and the petitioner are full brothers, they are close relatives and due to family properties,



the entire dispute has arisen. Counsel submits that for the same date and place of occurrence, there are two criminal cases lodged. One from the informant's side *i.e.*, Case No. 95 of 2023 has been lodged whereas from the petitioner's side *i.e.*, Case No. 94 of 2023 has been lodged.

5. Counsel further submits that upon intervention of valuation of both the families, both parties sat together and realized that in family dispute, litigation may not take place and it is due to this reason, they have filed petition in both the cases which is Annexure- P/3 series. Counsel further submits that petitioner has clean antecedent and he is in custody since 01.08.2023.

6. Learned counsel for the State opposes the prayer for bail and submits that there is allegation of attack and injury report has also been not annexed in this bail application.

7. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Jhanjharpur, District- Madhubani in connection with Rudrapur P.S. Case No.95 of 2023, subject to the following conditions as laid down under Section 437(3) of Cr.P.C. with other following



conditions:-

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bonds by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month for one year to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of the bail bonds; and

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

8. With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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