

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71038 of 2022

Arising Out of PS. Case No.-10 Year-2019 Thana- DHANAHA District- West Champaran

Jifrul Haque Ansari @ Jafrul Ansari @ Jaifirul Haque Ansari @ Jayfirul
Ansari Son of Mustafa Ansari Resident of Village- Khalwapatti, P.S.-
Dhanaha, District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance:

For the Petitioner/s	:	Mr. N.K. Agrawal, Sr. Advocate Mr. Shailesh Kumar, Advocate Mr. Kumar Rajdeep, Advocate
For the Informant	:	Mr. Vijay Kumar Singh, Advocate
For the Opposite Party/s	:	Mr. Arun Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

5 11-04-2023 Let the defects, if any, pointed out by the office be removed within four weeks from the date of this order, failing which the matter be listed again under the appropriate heading for necessary action.

2. Heard learned senior counsel for the petitioner, learned counsel for the informant and the learned APP for the State.

3. Petitioner seeks regular bail in connection with Dhanaha P.S. Case No. 10 of 2019 dated 12.01.2019 registered for the offences punishable under Sections 302, 201 and 120(B) of the Indian Penal Code.

4. As per the prosecution, the informant alleged that his nephew was killed by this petitioner and co-accused persons and

they disappeared the deceased's dead body also.

5. The main submissions advanced by learned senior counsel for petitioner are that the petitioner earlier preferred Cr. Misc. No. 15350 of 2020 with two co-accused persons for the relief of regular bail which was rejected by then co-ordinate bench of this Court and thereafter the petitioner again preferred Cr. Misc. No. 23410 of 2021 but no relief was granted and this is petitioner's third attempt to get bail and he has now come with two fresh grounds, first is that after the rejection of petitioner's last prayer co-accused Mustafa Ansari, carrying similar nature of allegation, has been granted bail by a co-ordinate bench of this Court vide order dated 10.10.2022 passed in Cr. Misc. No. 6548 of 2022 and on earlier occasion prior to the petitioner's first and second rejection, two similarly situated co-accused persons namely, Noorjahan Khatoon and Rukhsana Khatoon had been granted bail by different benches of this Court vide orders passed in Cr. Misc. No. 83749 of 2019 and Cr. Misc. No. 67787 of 2019 respectively, though the said co-accused persons are women but the nature of allegation is same against the present petitioner and co-accused persons and the instant matter relates to the last seen of the victim in the company of the accused persons including the petitioner but

petitioner's any specific role in the alleged occurrence has not been revealed in the complaint which was sent for the investigation under Section 156(3) of Cr.P.C. and the petitioner surrendered on 16.09.2019 and since then he has been languishing in jail and in the present time he is facing trial and the second ground is petitioner's long custody period and out of twelve chargesheet witnesses, only three witnesses of the prosecution have been examined and the prosecution is very slow in concluding the petitioner's trial.

6. Learned counsel for the informant has vehemently opposed the bail prayer of the petitioner and submitted that on two earlier occasions the petitioner's prayer for bail has been rejected by this Court and while deciding the bail prayer of co-accused Jayaul Ansari @ Jayaul Haque Ansari, the co-ordinate bench of this Court vide order passed in Cr. Misc. No. 35408 of 2021 directed the trial Court to conclude the trial of the accused persons including the petitioner within a period of nine months from the date of the said order and prayer for bail made by the said co-accused was rejected by that order and the instant matter relates to serious offence of murder committed by this petitioner and co-accused persons in a very planned manner and the victim was lastly in the company of the petitioner and co-accused

persons. It is further submitted by learned counsel for the petitioner that the petitioner has criminal antecedent of only one case in connection with Dhanaha PS Case No. 152 of 2015.

7. Learned APP for the State has also opposed the bail prayer.

8. Heard both the sides and perused the FIR and order impugned, though the instant matter relates to serious offence of murder and the petitioner is named in the FIR and on two earlier occasions the petitioner's prayer for bail was rejected by this Court but three co-accused persons who are named in the FIR have been granted bail by different benches of this Court and the nature of allegation is same against the petitioner and the said co-accused persons and petitioner has been languishing in jail since 16.09.2019 and as per the report of Trial Court, out of twelve chargesheeted witnesses only three witnesses of the prosecution have been examined which shows the lingering attitude of the prosecution in concluding the petitioner's trial despite a direction for speedy trial being given by the co-ordinate bench of this Court in Cr. Misc. No. 35408 of 2021 while deciding the bail prayer of the co-accused.

9. Considering the above facts as well as submissions made above, in my opinion, the petitioner deserves to the privilege of

bail. Accordingly, let the petitioner named above be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of concerned Court in connection with Dhanaha P.S. Case No. 10 of 2019.

(Shailendra Singh, J)

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