

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73602 of 2023

Arising Out of PS. Case No.-87 Year-2023 Thana- RAXAUL District- East Champaran

ZAINULLAH ANSARI S/O NASIRUDIN ANSARI R/O- TUMARIYA
TOLA, WARD NO.01, P.S.- RAXAUL, DISTRICT- EAST CHAMPARAN

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kundan Rathore@ Kundan Kumar

For the Opposite Party/s : Mr.Kumar Ranjit Ranjan

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 22-11-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with
Raxaul (Hariya) P.S. Case No. 87 of 2023 registered for the
offences punishable under Section 387 of the IPC.

3. As per prosecution case, informant has stated
that ransom call is being received in the name of unknown
person who has stated his name as Aayan Khan AK 47 and
demanded Rs. 10 lakh as ransom and threatened to kill him if
the same is not fulfilled.

4. Learned counsel for the petitioner submits that
petitioner is not named in the FIR and his name has been
transpired in the present case upon the confessional statement of
co-accused Sanjiv Kumar. Except confessional statement of co-



accused Sanjiv Kumar, there is nothing on record to demonstrate the complicity of petitioner with the alleged occurrence. He further submits that petitioner is in custody since 03.07.2023 and bears criminal antecedent of one case in which he is on bail. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. He further submits that no incriminating article has been recovered from the conscious possession of the petitioner. Petitioner has no concern with the alleged sim and mobile number. He further submits that petitioner is not the accused of any offence relating to Section 387 of the IPC earlier to the present case. He further submits that petitioner is quite innocent and has falsely been implicated in the case.

5. The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

6. Considering the facts and circumstances of the case, period of custody, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand)



with two sureties of the like amount each to the satisfaction of learned S.D.J.M. Raxaul/concern court, Motihari East Champaran in connection with Raxaul (Hariya) P.S. Case No. 87 of 2023 , subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

vashudha/-

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