

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.899 of 2023

Arising Out of PS. Case No.-139 Year-2005 Thana- BELAGANJ District- Gaya

Qaisar Ansari, Son of Mohar Ansari Resident of Village- Firozi, P.S.- Pali,
District- Jehanabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shivendra Prasad, Advocate

For the Opposite Party/s : Mr. M. K. Nirala, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 12-04-2023 Learned counsel for the petitioner is permitted to remove the defect(s), if any, as pointed out by the office, within a period of four weeks from today.

Heard Mr. Shivendra Prasad, learned counsel for the petitioner and Mr. M. K. Nirala, learned Additional Public Prosecutor for the State.

The petitioner seeks bail, who is in custody, in connection with Sessions Trial No. 508 of 2022 arising out of Belaganj P.S. Case No. 139 of 2005, registered for the offences punishable under Sections 302/34 of the Indian Penal Code and Section 27 of the Arms Act.

The prosecution case is based on the *fardbeyan* of the informant alleging therein that on 26.09.2005 at about 7:00 PM his brother went to Chakand Bazar on his motorcycle whereupon all the six named accused persons in the FIR followed him on a Jeep and later on he heard some sound of firing and found that the accused persons were fleeing away



from the place of occurrence.

Learned counsel appearing on behalf of the petitioner submits that the petitioner is neither named in the FIR nor any process has ever been served upon him and he was totally unaware of the present case. He next submits that so far the named accused persons are concerned, they have been put on trial and finally *vide* judgment dated 11.04.2013, all of them have been acquitted by the learned Adhoc A.D.J.-III, Gaya. He next submits that so far the petitioner is concerned, being unaware of the pendency of the present case, he was apprehended by the police from his house on 17.08.2022 and since then he is in custody. Moreover, charges have been framed and the petitioner is ready to give an undertaking that he will remain present on each and every date till conclusion of the trial as due to his absence, the trial could not be concluded. He lastly submits that the petitioner has fair antecedent.

On the other hand, learned APP for the State opposed the bail application and submits that the petitioner remained absconded for about 17 years and on account of his conduct the trial could not be concluded.

Regard being had to the submissions made on behalf of the parties and considering the fact that the petitioner is not



named in the FIR as also the fact that other named accused persons have been acquitted by the learned trial court way back in the year 2013 itself, let the petitioner, abovenamed, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge V, Gaya in connection with Sessions Trial No. 508 of 2022(S.J.)/118 of 2022 arising out of Belaganj P.S. Case No. 139 of 2005, subject to the condition that one of the bailors will be the close relative of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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