

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12256 of 2024

Arising Out of PS. Case No.-163 Year-2023 Thana- KURSAKANTA District- Araria

1. Ainuddin Ansari Son of Samshudin Ansari @ Shamshudin Ansari R/o vill - Naya Tola Siktiya, P.s. - Sonamani Godam (Kusakanta), Distt. - Araria
2. Zubair Ansari Son of Samshudin Ansari @ Shamshudin Ansari R/o vill - Naya Tola Siktiya, P.s. - Sonamani Godam (Kusakanta), Distt. - Araria
3. Tafezul Ansari @ Hefazul Ansari @ Tafazul Ansari Son of Ainuddin Ansari R/o vill - Naya Tola Siktiya, P.s. - Sonamani Godam (Kusakanta), Distt. - Araria
4. Azaz Ansari Son of Zubair Ansari R/o vill - Naya Tola Siktiya, P.s. - Sonamani Godam (Kusakanta), Distt. - Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N.K. Agrawal, Sr. Advocate Mr. Arvind Kumar, Advocate Mr. Kumar Rajdeep, Advocate Ms. Diksha Kumari, Advocate Mr. Saroj Kumar Choudhari, Advocate
For the Opposite Party/s	:	Mr. Rajendra Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 19-04-2024 Heard Mr. N .K. Agrawal, learned senior counsel for the petitioners and Mr. Rajendra Singh, learned Additional Public Prosecutor for the State.

2. Petitioners seek bail where petitioner no. 1 is in custody since 13.09.2023 and petitioner nos. 2 and 3 are in custody since 16.09.2023 in connection with Kursakanta (Sonamani Godam) P.S. Case No. 163 of 2023, F.I.R. dated 06.07.2023 for the offences punishable under Sections 147,



148, 149, 341, 323, 324, 325, 307, 354(B), 379, 504 and 506 of the Indian Penal Code and later on Section 302 of the Indian Penal Code was also added.

3. According to prosecution case, all the accused persons including these petitioners have assaulted the father of the informant and during the course of his treatment, he died.

4. Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case due to admitted land dispute between the parties. He further submits that it appears from the FIR that there is no specific allegation of any assault or overt act attributed against the petitioner rather the specific allegation of assault is attributed against the co-accused, namely, Nazmul Ansari that he has assaulted the deceased at his right leg by means of *farsa* and later on the injured person died. He further submits that the police after investigation submitted the charge sheet against the petitioners. He further submits that similarly situated, co-accused, namely, Shish Mohammad and others have been granted bail by this Court vide order dated 14.03.2024 passed in Cr. Misc. No. 18277 of 2024. The petitioner no. 1 is in custody since 13.09.2023 and petitioner nos. 2 and 3 are in custody since 16.09.2023.



5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioners.

6. Considering the aforesaid facts and circumstances, let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-1, Araria in connection with Kursakanata (Sonamani Godam) P.S. Case No. 163 of 2023, subject to the following conditions:-

i. Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

ii. If the petitioners tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the



acceptance of bail bonds in terms of the above-mentioned order
shall not be delayed for purpose of or in the name of
verification.

(Rajesh Kumar Verma, J)

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