

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6754 of 2024

Arising Out of PS. Case No.-75 Year-2023 Thana- BANDHUWA KURAWA District- Banka

1. Irshad Ansari S/O Ijhar Ansari R/O Village- Basmatta, P.S- Katoriya, Distt.- Banka.
2. Rojan Ansari @ Roji Miyan S/O Late Jumman Ansari R/O Village- Basmatta, P.S- Katoriya, Distt.- Banka.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pankaj Kumar, Adv.

For the Opposite Party/s : Mr. Madhuri Lata, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 09-04-2024 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners seek regular bail in connection with
Bandhua Kurava P.S. Case No. 75 of 2023 dated 25.08.2023,
lodged under Sections 302, 201 and 120(B) of the I.P.C.

3. As per the prosecution case, the F.I.R. has been
lodged against two named accused persons (petitioners) in
which it has been alleged by the informant that one of his
daughter was in contact with petitioner no. 1 and started
residing with him and subsequently, she became traceless and
dead body was found upon disclosure of petitioner no. 1 to the
informant.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have committed no offence. He submits that the antecedent of the petitioners are clean and they are in custody since 26.08.2023. He further submits that this case is based on completely suspicion and under unfortunate circumstance, petitioner no. 1 has disclosed that he killed the daughter of the informant but actually he is completely innocent.

5. Learned A.P.P. for the State opposes the prayer for bail and submits that on previous occasion, case diary has been called for. From various paragraphs of the case diary, the involvement of petitioner no. 1 is there in killing of two persons and confessional statement is there in the case diary supported by other materials. He submits that petitioner no. 2 is an old aged person and it transpires that there is no direct involvement of petitioner no. 2 in the alleged crime.

6. In the present facts and circumstances of this case and the submissions made above, I am not inclined to grant bail to petitioner no. 1, namely, Irshad Ansari and therefore, his bail petition is hereby rejected.

7. So far as petitioner no. 2, namely, Rojan Ansari is concerned, he is granted bail on furnishing bail bonds of Rs.

30,000/- (Rupees Thirty Thousand Only) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Banka in connection with Bandhua Kurawa P.S. Case No. 75 of 2023, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

(i) one of the bailors should be the family member of petitioner no. 2, who shall provide official document to show his *bona fide*;

(ii) the petitioner no. 2 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 no. 2 shall appear before the concerned police station every month for one year to mark attendance;

(iv) the petitioner no. 2 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 no. 2 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 partially allowed.

(Dr. Anshuman, J)

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