

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10902 of 2024

Arising Out of PS. Case No.-294 Year-2023 Thana- DUMRAO District- Buxar

Kamaluddin @ Kamaluddin Ansari Son of Late Md. Raja R/o Village- Devi
Mishra ki Gali, Ward No. 26, P.S.- Dumraon, Distt.- Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Setu Prateek, Advocate

For the Opposite Party/s : Mr. Md. Fahimuddin, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 22-02-2024 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner seeks regular bail in connection with
Dumraon P.S. Case No.294 of 2023, lodged on 15.07.2023,
under Sections 147/148/149/324/307/302 of the Indian Penal
Code.

3. As per the prosecution, FIR has been lodged against
six named accused persons including the present petitioner
against whom allegation is that they in connivance with each
other attacked the informant's brother and family resulted into
the death of the nephew of the informant and injury caused to
the brother of the informant.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. Counsel



submits that there is nothing specific made in the FIR save and except he is a member of the mob. Whatsoever allegation is against Sonu Ansari, Md. Azad and Imamuddin Ansari and there is no whisper against the petitioner. Counsel further submits that the petitioner is in custody since 16.07.2023 having no criminal antecedent.

5. Learned counsel for the State opposes the prayer for bail and submits that it is a case of brutal attack and murder.

6. In the present facts and circumstances of this case and the submissions made above, let the petitioner, above named, be granted bail **only after framing of the charge, if not framed**, on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Court No.II, Buxar, in connection with Dumraon P.S. Case No.294 of 2023, subject to the conditions as laid down under Section 437(3) of the Code of Criminal Procedure with other following conditions:

(i) One of the bailor should be the family member of the petitioner who shall provide official document to show his bona fide;

(ii) The petitioner 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 shall appear before the concerned police station every month for one year to mark attendance;

(iv) The petitioner 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 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.

(Dr. Anshuman, J)

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