

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14545 of 2024

Arising Out of PS. Case No.-118 Year-2023 Thana- SUIYA District- Banka

- 1. Azad Ansari son of Lalu Miyan Village- Balsara Ps- Suiya Katoriya Dist-Banka
- 2. Md. Dilshad @ Murta son of Latif @ Md. Latif Village- Balsara Ps- Suiya Katoriya Dist- Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 16372 of 2024

Arising Out of PS. Case No.-118 Year-2023 Thana- SUIYA District- Banka

Rustam Ansari @ Dhalu S/O MD. RAZZAK @ BHAGU MIYA R/O
VILLAGE- BALSARA, P.S.- SUIYA, DISTRICT- BANKA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :
(In CRIMINAL MISCELLANEOUS No. 14545 of 2024)
For the Petitioner/s : Mr. Sanjay Kumar Jha, Advocate
For the Opposite Party/s : Mr. Syed Mojibur Rahman, APP
(In CRIMINAL MISCELLANEOUS No. 16372 of 2024)
For the Petitioner/s : Mr. Praveen Kumar, Advocate
For the Opposite Party/s : Mr. Md. Ataur Rahman, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

- 214-03-2024
1. Heard learned counsel for the parties.

2. The petitioners have preferred this application for grant of regular bail in connection with S.T. no. 5 of 2024 (arising out of Suiya P.S. Case no. 118 of 2023) registered under



sections 302 and 120B of the Indian Penal Code.

3. As per the prosecution case, the informant states that she saw Azad Ansari and Md. Dilshad open fire on her husband as a result of which he died. She further states that four other accused persons including Rustam Ansari, because of previous land dispute are involved in killing her husband.

4. Learned counsel for the petitioners- Azad Ansari and Md. Dilshad submitted that from the contents of the FIR it would be evident that the petitioners are said to have started from home along with the husband of the informant at 2 pm and the alleged occurrence in which the informant along with her mother-in-law claim to be an eye witness, is said to have taken place at 5 pm. This on the face of it appears to be unbelievable. Postmortem report also does not support the prosecution case. The petitioners are in custody since 3.9.2023 and 2.9.2023 and have no criminal antecedent. Chargesheet has been submitted the in case. It is lastly submitted that the time of death as given in the postmortem report is 3.20 pm while in the FIR the informant states that occurrence took place at 5 pm.

5. Learned counsel for the petitioner- Rustam Ansari submits that from perusal of the FIR, the allegation of firing/overt act is on the other two petitioners herein and not on



Rustam Ansari. So far as Rustam Ansari and others are concerned, it is stated that as a result of them having entered into a conspiracy over a land dispute that they have got the husband of the informant murdered. Coaccused Ahmad Ali has been enlarged on bail vide order dated 17.2.2024 passed in Cr.Misc. no. 6639 of 2024.

6. Heard learned A.P.P. for the State.

7. Having heard learned counsel for the parties and taking into consideration the direct allegation against the petitioners Azad Ansari and Md. Dilshad of having open fired at the husband of the informant leading to his death, the Court is not inclined to enlarge these two petitioners on bail and their application is rejected.

8. Learned trial Court is directed to expedite the trial.

9. Taking into consideration the facts and circumstances of the case, the allegation in the FIR so far as Rustam Ansari is concerned, grant of bail to the similarly situated coaccused Ahmad Ali, the petitioner having remained in custody for 5 months since 11.10.2023 and chargesheet having been submitted in the case, the Court directs the petitioner- Rustam Ansari to be enlarged on bail in connection with S.T. no.5 of 2024 (arising out of Suiya P.S. Case no. 118 of 2023) on furnishing bail bond of Rs.10,000/ (Rupees Ten Thousand) with two sureties of the like amount each to the



satisfaction of the learned Additional District and Sessions Judge-
III, Banka.

(Partha Sarthy, J)

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