

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21030 of 2024

Arising Out of PS. Case No.-1074 Year-2023 Thana- NAGAR District- Vaishali

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MOHD. ALI @ MOHD. ALI ANSARI Son of Mohd. Shahid Kabadi @
Mohd. Shahid Ansari @ Shahid Resident of Village-Asiana Colony,
Sanchipatti Bagmali, Road No.-09, Ward No.-10, P.S.-Town, District-
Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Hemant Kumar, Advocate

For the Opposite Party/s : Mr.Rajendra Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 04-04-2024 Heard Mr.Hemant Kumar, learned counsel for the

petitioner and Mr.Rajendra Singh, learned Additional Public

Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with Town P.S. Case No.1074/2023, dated
29.12.2023 registered for the offences punishable under
Sections 147,149,341,504,506,447 of the Indian Penal Code and
Section 3/4 of Explosive Act,1884.

3. Briefly stated, the prosecution story is that the
informant Mohd. Hussainan stated that on 29.12.2023 at 7.30
PM he was at home then Mohd. Raja & Mohd. All (both
petitioners) along with 2-3unknown persons came at his house
and started abusing him. On protest the petitioner and his



accomplices started saying to assault then the informant and other were trying to save themselves the Mohd. Raja attacked with local *sutli* bomb but that bomb did explode, then on shouting for help by the informant some people from the colony started gathering there then all of them fled away from there. The informant further alleged that the reason for the attack was that 25 days prior to this incidence he went to Samastipur for enjoying *mushayra* and when he returned next day then found his wife and Mohd. Raja in compromising positions and from then there is a tension going on between both the families.

4. Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has falsely been implicated in the present case. The allegation as alleged in the FIR is false and fabricated and the petitioner has not committed any offence as alleged in the FIR. Further submits that the wife of the informant, namely, Gulsan Khatoon filed an application on 09.01.2024 before the SHO, Town P.S., Hajipur stating therein that the informant has filed the false case against the petitioner and his family members and in fact the informant has planted the bomb and informed the police and lodged the false case against the petitioner.

5. Learned A.P.P. for the State, on other other hand,



has vehemently opposed the prayer for anticipatory bail of the petitioner.

6. Considering the aforesaid facts, petitioner has clean antecedent and the statement of the wife of the informant (Annexure-2), let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs.10,000 (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Vaishali at Hajipur in connection with Town P.S. Case No.1074/2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

(I) Petitioner 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 his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(II) If the petitioner 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 petitioner and in case at any stage, it is found that the petitioner has concealed his/her criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. 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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