

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.25675 of 2024**

Arising Out of PS. Case No.-843 Year-2023 Thana- BETTIAH CITY District- West  
Champaran

Naushad Ansari son of Kalim Mian @ Md. Kalim Ansari Village- Ghusukpur  
PS-Bettiah Town District West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Bimlesh Kumar Pandey  
For the Opposite Party/s : Mr.Dashrath Mehta

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR  
PANDEY**

ORAL ORDER

4      13-08-2024                      Heard the learned counsel for the petitioner as well  
as the learned Additional Public Prosecutor for the State.

2. The petitioner is seeking regular bail in connection  
with Bettiah (Town) P.S. Case No. 843 of 2023 for the offences  
punishable under Sections 302/34 of the Indian Penal Code.

3. The physical appearance of Investigating Officer,  
Bettiah(Town) is dispensed with

4. As per allegation, fourth son of the informant  
namely, Afsar Hashmi went out from his house. Thereafter, the  
informant heard that someone had made him injured by  
inflicting knife blows. Afsar Hashmi was brought to the hospital  
where he was declared as dead. It has also been mentioned in  
the FIR that all these three co-accused persons surrounded the  
deceased and co-accused Salauddin @ Thakur inflicted knife  
blows on the deceased. The deceased disclosed this fact to his  
brother Md. Asaraf Hashmi.

5. Learned counsel for the petitioner has submitted



that the informant is hearsay witness. As a matter of fact, none had seen the occurrence and the presence of the named accused persons including the petitioner at the spot was merely as spectators. He has further submitted that the specific allegation of inflicting knife blows is against co-accused Salauddin @ Thakur and not against the petitioner

6. On the other hand, the learned APP has opposed the prayer for bail and submitted that the deceased in injured condition narrated the entire fact to his brother Md. Asaraf, whose statement has been recorded in paragraph no. 8 of the case diary in which he has fully corroborated the occurrence. It is true that co-accused Md. Salauddin @ Thakur is the main assailant but this petitioner and co-accused Nanhe @ Shahid Ali also surrounded the deceased along with the main accused Md. Salauddin.

7. Considering the above-mentioned facts and circumstances, I do not think it to be a fit case for bail, which is hereby rejected.

**(Nawneet Kumar Pandey, J)**

Nirmal/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

