

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40137 of 2024

Arising Out of PS. Case No.-741 Year-2023 Thana- GARKHA District- Saran

Appu Ansari @ Toshif Ansari Son of Kalamu Ansari Resident of Village-
Bhajit Pur, P.S- Garkha, Dist- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gopal Govind Mishra, Advocate

For the Opposite Party/s : Mr. Kumar Veerendra Narayan, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 03-07-2024 Heard the parties.

2. The petitioner is apprehending his arrest in connection with Garkha P.S. Case No. 741 of 2023 for the offence under Sections 448, 307, 386, 387, 427, 504 and 34 of the I.P.C. and 27 of the Arms Acts lodged on 18.12.2023 by the informant, Subhawati Devi.

3. As per the prosecution story, the informant alleged that when she was sleeping alongwith her family, the anti-social elements came in with motorcycles, abused her son, started firing and later, damaged the four wheeler of her son-in-law. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that his name has come in the confessional statement and only because of his criminal antecedent, the police has implicated him. The further submission is that he is ready to cooperate in the trial and the last submission is that without accepting the allegation and/or the outcome of the present petition in view of the fact that the



informant side has alleged damages, the petitioner on its own would like to contribute towards the damages of Rs. 3,000/- (for the vehicle) through Demand Draft issued by the local State Bank of India branch to be submitted before the 'NAZARAT' of concerned Court to be handed over to the informant after checking the credentials.

5. Learned APP opposes the prayer stating that they assembled and created chaos by opening fire and damaging the vehicle.

6. Taking into account the submissions as also that his name has come in the confessional statement and will be facing the trial, this Court is inclined to extend him the privilege of anticipatory bail with conditions subject to payment of Rs. 3,000/- as undertaken by the learned counsel for the petitioner to be paid by Demand Draft of local State Bank of India to be submitted to the Trial Court and handed over to the informant after checking the credentials.

7. Let the petitioner be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Additional Judicial Magistrate, IV, Chapra at Saran in connection with Garkha P.S. Case No. 741 of 2023



subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his/her 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 bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(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 his bail bonds.

(Rajiv Roy, J)

Adnan/-

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