

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40355 of 2024

Arising Out of PS. Case No.-742 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. Lalan Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 24-07-2024 Heard Mr. Gopal Govind Mishra, learned counsel for

the petitioner and Mr. Lalan Kumar, learned Additional Public

Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Garkha P.S. Case No. 742 of 2023, F.I.R. dated 18.12.2023 for the offences punishable under Sections 399, 402, 414 of the Indian Penal Code and Sections 25(1-b), 26a and 35 of Arms Act.

3. According to prosecution case, two persons were apprehended by the informant from whose possession one country made pistol, some cartridges and mobile phones were recovered and they have disclosed the name of the petitioner who fled away from the place of occurrence.

4. Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case on the basis of disclosure made by the co-accused



persons, namely, Subham Kumar and Randhir Kumar. He further submits that, it appears from the seizure list that some arms and ammunition have been recovered from the possession of the co-accused persons and they have disclosed that the petitioner and the other co-accused persons have fled away from the place of occurrence. He further submits that except the disclosure made by the other co-accused persons, no other material has come during investigation which suggest the involvement of the petitioner in the present occurrence.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner and submits that the petitioner carries four criminal antecedents other than the present one but fairly submits on the basis of paragraph 3 of the bail petition that he is on bail in two cases out of four.

6. Considering the aforesaid facts and circumstances, let the petitioner, above named, in the event of 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 the learned Sub-Judge cum Additional Chief Judicial Magistrate IV, Chapra



at Saran in connection with Garkha P.S. Case No. 742 of 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 absence on two consecutive dates without sufficient reason, his 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 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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