

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40423 of 2024

Arising Out of PS. Case No.-1131 Year-2018 Thana- DEHRI TOWN District- Rohtas

Rafik Ansari @ Lalu @ Md. Rafik @ Lallu, S/o Mojib Ansari @ Md. Mojib Rahman @ Md. Mojibul Rahman, R/O Village Mathuri, P.S- Dehri (Dalmiyanagar), District Rohtas

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bhaskar Shankar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 03-07-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner is apprehending his arrest in connection with Dehri (Dalmiyanagar) P.S. Case No. 1131 of 2018 registered for the alleged offences under Section 302/34 of the Indian Penal Code.

3. As per prosecution case, the petitioner and other co-accused persons entered into some altercation with the father of the informant. The matter aggravated and they assaulted the father of the informant with slaps and fists. The co-accused Mojib Ansari strangled the father of the informant and pushed him down. The father of the informant died while being taken to the hospital.



4. The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The post mortem report of the deceased shows cause of death is stated to be 'may be asphyxia caused by throttling'. The viscera has also been preserved and sent to the forensic laboratory for its chemical examination. Hence, there is doubt over cause of death of the father of the informant. Moreover, the allegation of throttling is against co-accused Mojib Ansari and as the petitioner happens to be his son, he has also been falsely implicated in this case. In the FIR, no motive has been ascribed to the petitioner and the co-accused persons for entering into quarrel with the father of the informant. The petitioner has no criminal history.

5. Learned APP opposes the submission made on behalf of the petitioner.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the doubtful nature of cause of death and also considering the absence of specific allegation against the petitioner for doing any act leading to purported cause of death and further considering the possibility of false implication, let the petitioner above named, in the event of his arrest or surrender before the



court concerned within a period of eight weeks from today, 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 Sub-Divisional Judicial Magistrate, Dehri-on-Sone, Rohtas, in connection with Dehri (Dalmiyanagar) P.S. Case No. 1131 of 2018, subject to the conditions mentioned in Section 438(2) of the Cr.P.C. and the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below, if so required by the learned trial court.

V.K.Pandey/-

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(Arun Kumar Jha, J)

