

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49177 of 2023

Arising Out of PS. Case No.-143 Year-2022 Thana- BARUN District- Aurangabad

MD. RUSTAM @ JALIL @ MD ROSTAM ANSARI Son of Khalil Ansari
Resident of village - Mohanganj, P.S.- Barun, District - Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramendra Kumar Singh

For the Opposite Party/s : Mr. Abhay Kumar

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 04-03-2024 1. Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in connection
with Barun P.S. Case No.143/2022, registered for the offence
punishable under Sections 302 and 34 of the Indian Penal Code.

3. Learned counsel for the petitioner submits that
petitioner is a person with clean antecedent and the informant
alleges that her husband had given a loan of Rs. 15,000/- to one
Vidyasagar Pandey for marriage of his sister but when he
demanded the money back, he was assaulted by Vidyasagar
Pandey and others. It is next alleged that on 17.02.2022,
Vidyasagar had called her husband for returning the money,
accordingly he went to meet him but did not come back and
later on 18.02.2022 the informant was informed that her



husband has been killed. It is further alleged that even her father-in-law on the date of occurrence had seen Vidyasagar Pandey in company of the accused persons including the petitioner, thus, based on suspicion alleges that the petitioner along with others were involved in killing of the deceased. It is next submitted that the date of occurrence is 17.02.2022 and the informant came to know about the occurrence on 18.02.2022 but then the F.I.R. came to be instituted on 14.04.2022 i.e. after a delay of nearly more than 50 days. It is further submitted that the informant is not an eyewitness to the occurrence and the entire allegation hinges around suspicion, when petitioner admittedly is a person with clean antecedent. The learned counsel submits that the petitioner will not abscond rather will co-operate in the investigation. It is next submitted that Vidyasagar Pandey has been granted the privilege of anticipatory bail by an order dated 20.03.2023 in Cr. Misc. No.48066/2022 by a learned co-ordinate Bench. It is thus submitted that the case of the petitioner is on a better footing than that of Vidyasagar Pandey.

4. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

5. Considering the submissions made by the learned



counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M., Aurangabad in connection with Barun P.S. Case No.143/2022, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

6. However, it is made clear that in the event if the Investigating Officer of the case files an application before the learned trial court bringing to his notice that the petitioner despite giving assurance to this court is not co-operating in the investigation in that event the learned trial court shall be at liberty to cancel the bail bond of the petitioner.

(Satyavrat Verma, J)

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