

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52997 of 2024

Arising Out of PS. Case No.-711 Year-2020 Thana- NAWADA District- Nawada

Md. Islam Ansari @ Jolha son of Md. Kalim Ansari Resident of mohalla-
Moglakhar PS- Nawada Bundel khand op, Dist- Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. N A Shamsi, Adv.

For the Opposite Party/s : Mr. Jagdhar Prasad, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 23-08-2024 Heard Mr. N.A. Shamsi, learned counsel appearing
on behalf of the petitioner and Mr. Jagdhar Prasad, learned APP
for the State.

2. The petitioner seeks regular bail, who is in custody
in connection with Nawada Town (Bundel Khand O.P.) P.S.
Case No. 711 of 2020 registered for the offence punishable
under Sections 396 and 397 of the Indian Penal Code. Later on
Section 412 of the I.P.C. was also added.

3. The prosecution case is based on the fardbeyan of
the informant alleging therein that in the night of 11.08.2020,
armed dacoity was committed in the house of the informant
wherein miscreants killed the son of the informant Roshan
Kumar and looted the valuables of all the family members.

4. Learned counsel appearing on behalf of the



petitioner contended that the FIR has been instituted against unknown miscreants. However, during the course of investigation, some of the co-accused persons were apprehended and on the confessional statement of the co-accused Rahul Kumar, the name of the petitioner has surfaced. The police also recovered a mobile from the possession of the petitioner which is said to be a subject matter of the crime. The case of the petitioner is based upon parity as other persons having identical allegation namely, Md Bablu @ Babli and Sargun Rajbanshi have granted the privilege of regular bail in Cr. Misc. No. 33836 of 2024 and Cr. Misc. No. 3754 of 2024 respectively, copies of which are produced as Annexures - 2 and 3. Learned counsel further contended that the petitioner has been incarcerated since 27.8.2020 and till date out of 24 charge-sheet witnesses, only 10 of the witnesses have been examined and there is no likelihood of conclusion of the trial in near future. It is also the contention of the petitioner that the petitioner has been in judicial custody for over a period of 4 years but neither he has been put for TIP nor any other cogent material has come suggesting his complicity. It is lastly contended that be that as it may that petitioner shall remain present on every date of the trial.

5. On the other hand, learned APP for the State



vehemently opposes the bail application and submits that it is a case of gruesome dacoity and murder and the looted articles have been recovered from the possession of the co-accused persons as well as from the possession of this petitioner. Apart from the aforesaid fact that the petitioner also bears two criminal antecedent is the contention of the learned APP.

6. Regard being had to the submissions made on behalf of the parties and taking note of the fact that the case of this petitioner based upon parity and other two persons having identical allegations have been enlarged on regular bail and there is no likelihood of the conclusion of trial in near future; apart from other submissions noted hereinabove, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge, Nawada in connection with Nawada Town (Bundel Khand O.P.) P.S. Case No. 711 of 2020, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of



trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) 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 immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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