

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57798 of 2024

Arising Out of PS. Case No.-360 Year-2020 Thana- SHIVSAGAR District- Rohtas

Iqbal Ansari @ Md. Ikabal Ansari Son of Md. Alam @ Md. Alam Ansari
Resident of Village - Beerbandh, P.S. - Shivsagar, District - Rohtas

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Siddharth Harsh, Adv

For the Opposite Party/s : Mr. Ram Sumiran Rai, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

3 11-12-2024 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Shivsagar P.S. Case 360 of 2020 dated 23.11.2020 registered for the offences punishable u/s 341, 323, 324, 379 read with Section 34 of the I.P.C.

3. As per the prosecution case, on 22.11.2020 at about 04:00 A.M., the petitioner and the co-accused persons entered the house of the informant and committed theft of Rs. 20,000/- in cash, a golden chain and bras pot. On being protested, all the accused person started assaulting the informant and gave a *gadasa* blow on his head causing head injury due to which he fell down and became unconscious.



4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. It is further submitted that after the investigation police submitted the final form against the petitioner. There is land dispute between the parties and the petitioner was not present on the alleged date and time of the said occurrence rather he has gone to settle the marriage of his daughter at village Pipra. It is further submitted that the occurrence took place on 22.11.2020 and the F.I.R., has been lodged on 23.11.2020 and the informant died on 27.11.2020 i.e., after six days from the date of occurrence. There is no specific allegation against the petitioner. The petitioner has clean criminal antecedent as stated in para 3 of the bail petition.

5. Learned A.P.P. for the State has vehemently opposed the prayer for anticipatory bail of the petitioner by submitting that there is direct and specific allegation of assault the informant with Gadasa on his head against the petitioner and as per the post mortem report, the cause of death is due to head injury.

6. Considering the aforesaid facts and circumstances of the case as well as the heinous nature of allegation against the petitioner, I am of the view that no case for grant of anticipatory



bail is made out and the same is disposed of with direction to the petitioner to surrender before the Court below concerned within eight weeks from today and pray for regular bail and the learned Court below shall consider the prayer for regular bail of the petitioner on the same day without being prejudiced by this order.

7. The application stands disposed of.

(Chandra Prakash Singh, J)

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