

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76831 of 2023

Arising Out of PS. Case No.-410 Year-2019 Thana- KUCHAIKOTE District- Gopalganj

BASHIR ANSARI @ BASIR ANSARI @ BASHIR MIYA @ BASIR
AHAMED, S/O ISHAR DEEN MIYA, RESIDENT OF VILLAGE-
MATHIYA HATA, PS. KUCHAIKOT, DISTRICT- GOPALGANJ

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Yogesh Chandra Verma, Sr. Advocate Ms. Priyanka Singh, Advocate Mr. Adarsh Singh, Advocate Mr. Vikash Kumar Jha, Advocate
For the Opposite Party/s :	Mr. Madhura Nand Jha, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 29-02-2024

1. Heard learned counsel for the parties.

2. The petitioner has preferred this application for grant of regular bail in connection with Kuchaikot P.S. Case no. 410 of 2019 registered under sections 302, 120B and 34 of the Indian Penal Code and section 27 of the Arms Act.

3. As per the prosecution case, the petitioner along with one another and three unknown accused persons are said to have resorted to indiscriminate firing resulting in death of the informant's father.

4. Learned Senior counsel appearing for the petitioner submits that the petitioner has been falsely implicated in the case. The manner of occurrence is other than what has been



narrated in the FIR. The petitioner is an old man aged about 85 years. He is in custody since 29.6.2023 and the examination of prosecution witnesses has commenced in the learned trial Court, wherein the informant has not supported the prosecution case.

5. The prayer for bail is opposed by learned APP for the State who submits that there is direct allegation against the petitioner that he along with others resorted to indiscriminate firing resulting in the death of the informant’s father. It is further stated that though the informant has been declared to be hostile, other witnesses on behalf of the prosecution still remain to be examined.

6. Having heard learned counsel for the parties and taking into consideration the allegations in the FIR wherein the petitioner along with one another are said to be assailant of the deceased, the Court is not inclined to enlarge the petitioner on bail and the application is rejected.

(Partha Sarthy, J)

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