

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82269 of 2024

Arising Out of PS. Case No.-210 Year-2024 Thana- NASRIGANJ District- Rohtas

Naushad Ansari @ Naushad Son of Akhtar Ansari @ Md. Akhtar Abid
Resident of Village - Amiyavar, P.S. - Nasariganj, District - Rohtas

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner : Mr. Pramod Kumar, Advocate
For the State : Mr. Akshay Lal Pandit, APP
For the Informant : Mr. Y.C. Verma, Sr. Advocate

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 10-12-2024 Heard learned counsel for the petitioner and learned APP

for the State as also learned senior counsel for the informant.

Perused the case diary.

2. At the outset, learned counsel for the petitioner is

permitted to make necessary correction/s in paragraph No.3 of

the bail application, during course of the day.

3. The petitioner seeks bail in connection with

Nasriganj P.S. Case No. 210 of 2024 instituted for the offence

under Sections 302, 120(B) & 34 of the Indian Penal Code and

Sections 25(1-B)a, 26, 35 & 27 of the Arms Act.



4. The prosecution case, as emanates from the FIR, is that all the named accused persons, including the petitioner, threatened the informant and his brother, namely, Atul Kumar (deceased) of killing them. It is alleged that on the fateful day i.e. on 29-06-2024, while the brother of the informant was returning from the Gym, he was shot dead. The accusation against the accused persons including the petitioner and 3-4 unknown miscreants is of committing murder of the Informant's brother.

5. It has been submitted on behalf of the petitioner that the petitioner is in custody since 24-07-2024. Petitioner bears two criminal antecedents, as per disclosure made in paragraph No. 3 of the bail application.

6. It has been further submitted by the petitioner's counsel that petitioner has been falsely implicated in the present case. Petitioner is named in the FIR. It is next submitted that informant has not seen the alleged occurrence and only on mere suspicion, he along with other persons made accused in this case and there is no eye witness to the alleged occurrence. So far as allegation of threatening the deceased and informant is concerned, no case was lodged in this regard. There is general and omnibus allegation levelled against the petitioner. It is lastly



submitted that police after investigation has submitted charge sheet in this case.

7. Learned A.P.P. for the State and learned counsel for the informant have vehemently opposed the prayer for grant of bail to the petitioner. It is submitted that petitioner along with other co-accused had conspired together and caused the death of the brother of the informant. *Vide* paragraph No. 169 of the case diary, co-accused, namely Gandhi Chaudhary, has confessed his guilt in his confessional statement, which shows vital role of the petitioner played in the alleged occurrence.

8. Considering the aforesaid facts and circumstances of the case, period of custody of the petitioner, there being no direct allegation against the petitioner and charge sheet being submitted, this Court is inclined to grant bail to the petitioner.

9. Let the petitioner be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Nasriganj P.S. Case No. 210 of 2024, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.



(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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