

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85000 of 2023

Arising Out of PS. Case No.-951 Year-2022 Thana- FORBESGANJ District- Araria

MD. PARWEZ ANSARI @ PRAWEZ ANSARI SON OF MD. FARUK
ANSARI R/O VILLAGE- RAMPUR (NORTH), P.S.- FORBESGANJ,
DIST.- ARARIA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Madhav Jha, Advocate

For the Opposite Party/s : Mr.Suman Kumari Singh, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 19-04-2024 1. Heard learned counsel for the petitioner as well as
learned APP for the State.

2. The petitioner seeks bail in anticipation of his
arrest in a case registered for the offences punishable under
Sections 365, 302, 201, 120B and 34 of the IPC.

3. The learned counsel for the petitioner submits that
petitioner is a person with clean antecedent and has been falsely
implicated in the instant case by the informant based on
suspicion.

4. It is next submitted that the informant alleges that
on 04.09.2022 at about 05 AM, his son (deceased) has gone to
meet the petitioner and two other named accused persons but
did not return for three days, thereafter, the informant went to
the house of the petitioner to find out but he did not get any



satisfactory response, it is next alleged that, thereafter, the mobile number of the deceased was also switched off, it is further alleged that someone informed the informant that an altercation had taken place between the deceased and the named accused persons including the petitioner. It is further alleged that on 08.09.2022, informant got to know that the police has identified a dead body from the side of a canal whom the informant recognized as his son, thus alleges that the named accused persons including the petitioner on account of an altercation which had taken place killed his son and threw the dead body in the canal.

5. Learned counsel for the petitioner submits that the petitioner is a person with clean antecedent.

6. Further submitted that from bare perusal of the allegations as alleged in the FIR, it would manifest that the son of the informant had gone to meet the petitioner and other accused persons on 04.09.2022 and when he did not return for nearly three days, thereafter, the informant started searching the victim, it is thus submitted that this amply demonstrates that the informant never had any apprehension that such occurrence might be committed by the accused persons including the petitioner or else the informant, on the same day, when the



victim did not return, would have gone to the house of the petitioner looking for his son. It is also submitted that though the informant alleges that he came to know from someone that there was an altercation in between his son and the accused persons including the petitioner, on account of which he was killed but then the FIR does not even remotely suggests that the informant disclosed the name of the person who disclosed to him about the altercation of the deceased with the accused persons including the petitioner which casts an aspersion on the case of the prosecution, hence submits that the entire allegation hinges around suspicion. It is also submitted that petitioner will not abscond, rather will cooperate in the investigation and will present himself as and when required by the Investigating Officer during the course of investigation for proving his innocence.

7. The learned APP opposes the anticipatory bail application.

8. 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, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs.10,000/- (Rupees



Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Araria in connection with Forbesganj P.S. Case No. 951 of 2022, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

9. The application stands allowed.

10. 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 its notice that the petitioner despite giving assurance to this Court is not cooperating in the investigation or is not appearing before the Investigating Officer, when required, the learned trial court shall be at liberty to cancel the bail bond of the petitioner after recording reasons.

11. Let a copy of this order be sent to the concerned P.S. through the learned Trial Court.

12. It is further made clear that in the event if charge sheet is submitted, connecting the petitioner with the offence, in that event, the present anticipatory bail order shall loose its effect.

(Satyavrat Verma, J)

Prakash Narayan

U		T	
---	--	---	--

