

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6632 of 2024

Arising Out of PS. Case No.-7 Year-2019 Thana- KUCHAIKOTE District- Gopalganj

Khaliullah Ansari @ Khalillullah Ansari @ Guddu Ansari, S/O Basir Ansari
R/O Village- Matiha Hata, P.S- Kuchaikot, Distt.- Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Yogesh Chandra Verma, Sr. Advocate Mr. Adarsh Singh, Advocate
For the State	:	Mr. Ram Sevak Choudhary, APP
For the Informant	:	Mr. Sanjay Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 18-10-2024 Heard Mr. Yogesh Chandra Verma, learned senior counsel assisted by Mr. Adarsh Singh, learned counsel for the petitioner, Mr. Sanjay Kumar, learned Advocate for the informant and Mr. Ram Sevak Choudhary, learned APP for the State.

2. By filing this application, the petitioner has renewed his prayer for regular bail in connection with Session Trial No.183 of 2019 arising out of Kuchaikot P.S. Case No.7 of 2019 registered for the offences punishable under Sections 147, 148, 149 and 302 of the Indian Penal Code and Section 27 of the Arms Act.

3. Earlier the prayer for bail of the petitioner was rejected vide order dated 04.09.2020 and 17.11.2021 in



Cr.Misc.No.79912 of 2019 and Cr.Misc.No.48815 of 2021 respectively.

4. In it's earlier order, this Court has noticed that this petitioner is the main assailant of the deceased persons. The allegation against him is that he had fired killing two persons.

5. This Court has also noticed that the postmortem report of the deceased corroborates the allegation against the petitioner as more than one fire arms injuries have been found on the body of the deceased and the petitioner is the sole assailant.

6. Mr. Yogesh Chandra Verma, learned senior counsel for the petitioner submits that there is another aspect of the matter which may be found from the FIR lodged by the Circle Officer, Kuchaikot giving rise to Kuchaikot P.S. Case No.8 of 2019. It is submitted that in fact a crowd had assembled near the poultry farm of the petitioner and they had attacked on the house of one Basir Ahmaed Ansari, there was a land dispute and in the said land dispute, the occurrence took place.

7. Learned senior counsel submits that in any case the petitioner is in custody since 08.01.2019 but the trial has not been concluded in this case.

8. On the other hand, learned counsel for the



informant submits that from the FIR of this case, it would appear that Basir Ahmad Ansari, this petitioner and some other persons were party to the occurrence and on the order of Basir Ansari, this petitioner had made indiscriminate firing with an intention to kill the brother and son of the informant of the case.

9. It is further submitted that from the FIR lodged by the Circle Officer also, it would appear that the police had seized the rifle from the house of this petitioner and when the petitioner and other accused persons were being taken away by the police party after their arrest, the police party was attacked by the crowd and in the said occurrence the officer in-charge of the police station had to resort 2-3 rounds of firing.

10. Learned counsel for the informant as well as learned APP for the State have brought to the notice of this Court the supplementary affidavit filed on behalf of the petitioner. With the said affidavit, the deposition of the informant of another case of Session Trial No.98 of 2023 has been enclosed. It is submitted that from this deposition of the informant of Session Trial No.98 of 2023, it would appear that his father Vinesh Prasad who happened to be the informant of the present case has also been murdered on 27.11.2019. It is submitted that Vinesh Prasad was an eye witness of the present



case and he has been killed during the trial of this case. The informant of Session Trial No.98 of 2023 alleged that this petitioner had hatched a conspiracy from jail with the other accused persons and murdered his father.

11. Learned counsel for the informant submits that under threat of life, the informant of Session Trial No.98 of 2023 was compelled not to depose and lastly as a result of this pressure, the said informant has become hostile. He is, however, appearing in this case through his Advocate and opposing the prayer for bail of the petitioner in the present case.

12. Learned counsel submits that so far as the trial of the present case is concerned, it is on the verge of the closure and now only one witness, who is I.O. of this case, is to be examined and the case is fixed for 25.10.2024. There is every possibility that the I.O. the case shall appear on the said date and all the prosecution witnesses would stand examined.

13. Learned counsel further points out that on the one hand the petitioner argues that he is in custody for more than five years but at the same time as a matter of strategy one of the accused persons of this case Rehana Khatoon @ Najma Khatoon who is wife of this petitioner has filed a quashing application being Cr.Misc.No.46596 of 2023 challenging an



order of the learned trial court as a result whereof the said order has been stayed and the petitioner of the said case is not taking steps for early hearing of the said Criminal Miscellaneous Application which is also resulting in delay in conclusion of the trial.

14. Having heard learned senior counsel for the petitioner, learned counsel for the informant and learned APP for the State, this Court is of the opinion that even though the petitioner in this case has remained in incarceration for more than five years, it is not one of those cases in which this may be taken as a good ground for his release on bail at this stage. This Court has noticed from the above submissions that during pendency of the trial, the informant who is an eye witness of this case has been murdered and there is an allegation of conspiracy in the said case against this petitioner, the trial of this case is on the verge of closure as now only I.O. of the case is to be examined and lastly it is also noticed that the wife of this petitioner has filed a quashing application in this Court in which she has challenged an order of the learned trial court and that order is under stay which is also one of the reasons likely to delay the trial. For all these reasons, this Court finds substance in the submissions of learned counsel for the informant that if



the petitioner is released on bail at this stage, the prosecution case is likely to be prejudiced.

15. This application stands dismissed.

16. The learned trial court is expected to conclude the trial as early as possible.

17. It is expected that the learned counsel for the petitioner as well as learned counsel for the opposite party no.2 shall take appropriate steps in Cr.Misc. No.46596 of 2023 for early hearing.

(Rajeev Ranjan Prasad, J)

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