

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.719 of 2024

Arising Out of PS. Case No.-189 Year-2022 Thana- RAMNAGAR District- West Champaran

Mahfuz Ansari Son of Rahim Mian @ Rahim Ansari Resident of Village-
Sonkar, P.S - Ramnagar, District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Nand Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 04-07-2024 Heard Mr. Bimlesh Kumar Pandey, learned counsel
for the petitioner and Mr. Nand Kishore Prasad, learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since
11.05.2022 in connection with Sessions Trial No. 211 of 2023
arising out of Ramnagar P.S. Case No. 189 of 2022, F.I.R. dated
04.05.2022 for the offences punishable under Sections 302, 201
and 120B of the Indian Penal Code and the police have
submitted charge sheet under Sections 365, 302, 201, 120B of
the Indian Penal Code.

3. Earlier the bail application has been rejected by this
Hon'ble Court vide order dated 20.03.2023 passed in Cr. Misc.
No. 56335 of 2023. Later on, this petitioner again moved in Cr.
Misc. No. 66671 of 2023 which was dismissed as withdrawn



vide order dated 06.10.2023 with liberty to the petitioner to move a fresh application before learned Trial Court.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case on the basis of the self confessional statement of the petitioner. He further submits that it appears from the F.I.R that the date of occurrence is 01.05.2022 but the present F.I.R has been instituted on 04.05.2022 i.e. after delay of 3 days without giving any explanation of the said delay. He further submits that except the self confessional statement of the petitioner, no other material has come during investigation to suggest the involvement of the petitioner in the present occurrence.

5. Vide order dated 12.01.2024 a report was called with regard to the present stage of trial. Report of the learned Trial Court dated 16.01.2024 reveals that charges have been framed against the petitioner and other accused persons on 05.07.2023 and summons were issued against the witnesses on 23.08.2023 and out of 10 charge sheet witnesses, none have been examined as yet.

6. Learned counsel for the petitioner submits that in view of the report of the learned Trial Court the trial is not likely



to be concluded in the near future and the petitioner is in custody since 11.05.2022.

7. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

8. Considering the aforesaid facts and circumstances, period of custody, report of learned Trial Court and the fact that the petitioner has clean antecedent and he has been made accused on the basis of self confessional statement, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge 1st , Bagaha, West Champaran in connection with Sessions Trial No. 211 of 2023 arising out of Ramnagar P.S. Case No. 189 of 2022, subject to the following conditions:-

i. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.



iii. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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