

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52759 of 2024

Arising Out of PS. Case No.-49 Year-2024 Thana- HUSSAINGANJ District- Siwan

1. Saiyad Ansari, aged about 25 years, Male, Son of Late Hadish Mian @ Ansari @ Late Hadish Ansari, R/O Vill.- Vindwal, P.S. Hussainganj, Dist.- Siwan
2. Bullet Ansari @ Ahsanul Haque, aged about 24, Male, Son of Alam Ansari, R/O Vill.- Vindwal, P.S. Hussainganj, Dist.- Siwan

... .. Petitioners

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner	:	Mr. Satyendra Rai, Advocate
For the Informant	:	M/S. Siyaram Pandey and Alok Ranjan, Advocates
For the State	:	Mr. Md. Fahimuddin, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

7 24-03-2025 Heard learned counsel for the petitioners, learned counsel for the informant and learned A.P.P. for the State.

2. The petitioners seek bail in connection with Hussainganj P.S. Case No. 49 of 2024 dated 23.02.2024 registered for the offences punishable under Sections 363 read with Section 34 of the I.P.C. Later on, Sections 201, 302 and 120B of the I.P.C. were also added.

3. As per the prosecution case, on 22.02.2024 at about 7.30 P.M., Bullet Ansari @ Ahsanul Haque (petitioner no. 2) called on the informant's son's phone and asked him to come to his house. Thereafter, the informant's son went to the house of



the petitioner no. 2. At 8.00 P.M., the informant called on his son's mobile then he informed that he is at the house of the petitioner no. 2 and the petitioner no. 1 is also present there. At 2.00 A.M., the informant again called on his son's phone but it was coming switch-off. It is further alleged that the informant believed that the petitioners had kidnapped his son. The reason behind the occurrence is that three days before Saiyad Ansari (petitioner no. 1) had threatened the informant's son to kill him. It is further alleged that when the wife of the informant went for call of nature in the night she saw in the torch light that her son was going with the petitioners towards the east direction.

4. Learned counsel for the petitioners has submitted that the petitioners are innocent and have falsely been implicated in this case. It is submitted that there is no motive assigned in the F.I.R. for the alleged occurrence. It is further submitted that during the course of investigation and on the information of spy, the dead body of the victim was recovered on 06.03.2024 but the postmortem has been done on 07.03.2024 after twelve hours. The petitioner no. 1 has clean antecedent and the petitioner no. 2 has no criminal antecedent as stated in paragraph no. 3 of the bail petition as well as in paragraph no. 3 of the supplementary affidavit filed on behalf of the petitioners.



They are in custody in this case since 07.03.2024.

5. Learned A.P.P. for the State and learned counsel for the informant have vehemently opposed the bail petition of the petitioners and have submitted that the petitioners have killed the informant's son. Learned counsel for the informant has further submitted that in paragraph no. 34 of the case diary, it has been mentioned that the petitioners in their confessional statement have confessed their guilt.

6. Considering the aforesaid facts and circumstances of the case as well as the finding substance in the contention of the learned counsel for the informant, this Court is not inclined to grant bail to the petitioners and the same is rejected in connection with Hussainganj P.S. Case No. 49 of 2024, pending in the court of learned A.C.J.M.-IX, Siwan.

7. The application stands rejected.

8. The learned trial court is directed to expedite the trial of the petitioners and conclude the same at the earliest.

(Chandra Prakash Singh, J)

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