

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50560 of 2024

Arising Out of PS. Case No.-615 Year-2023 Thana- MUFFASIL District- West Champaran

Naushad Ansari @ Naushad Son of Nek Mohammad Ansari @ Sek Mohammad Ansari Resident of village - Gurwaliya, Shiwala Tola, Police Station - Manuapool O.P., District - West Champaran.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Anshul, Sr. Advocate
For the Informant	:	Mr. Abhishek Kumar, Advocate
For the State	:	Mr. Arvind Kumar Pansey (APP-84)

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 31-01-2025 Heard Mr. Anshul, learned Senior counsel for the petitioner, Mr. Abhishek Kumar, learned counsel for the Informant and Mr. Arvind Kumar Pansey, learned APP for the State.

2. Petitioner seeks bail, who is in custody since 21.05.2024, in connection with Bettiah Mufassil (Manuapool O.P.) P.S. Case No. 615 of 2023, F.I.R. dated 18.09.2023 registered for the offences punishable under Sections 147, 148, 149, 341, 323, 324, 307, 504, 506 of the Indian Penal Code and later on Section 302 of the Indian Penal Code was added.

3. Allegation against the petitioner is that he assaulted Aas Mohammad by means of farsha on his head, back side, near eye, both legs, chest and waist due to which he sustained injury



and during treatment he died.

4. Learned Senior counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in the present case. He further submits that although there is specific allegation against the petitioner that he assaulted to Aas Mohammad and during treatment he died. Learned Senior counsel for the petitioner further submits that as per allegation in the F.I.R. the petitioner assaulted to Aas Mohammad by means of *farsha* and apart from that petitioner also assaulted Aas Mohammad on his head, back side, head, eye, both legs, chest and waist but the postmortem report of Aas Mohammad suggests that cause of death due to hard and blunt substance and no injury was found on the head, legs of the deceased. He further submits that co-accused person namely Safiullah Ansari has been granted bail by a Coordinate Bench of this Court vide order dated 04.04.2024 passed in Cr. Misc. No. 24678 of 2024, another co-accused persons Sabillah Khatoon @ Sabila Khatoon and Hasantara Khatoon @ Hasantara have been granted the privilege of anticipatory bail by a Coordinate Bench of this Court vide order dated 04.04.2024 passed in Cr. Misc. No. 21904 of 2024, another co-accused persons Baidullah Ansari @ Abdullah Ansari has been granted bail by a Coordinate Bench of



this Court vide order dated 10.05.2024 passed in Cr. Misc. No. 24171 of 2024, another co-accused persons namely Nek Mohammad Ansari @ Nek Mohammad Mian @ Nek Mohammad and others have been granted the privilege of anticipatory bail by this Court vide order dated 01.05.2024 passed in Cr. Misc. No. 25126 of 2024 respectively. He further submits that the charge has been framed against the petitioner on 29.11.2024 and the petitioner is rotting in judicial custody since 21.05.2024.

5. Learned counsel for the Informant as well as learned Additional Public Prosecutor for the State, on the other hand, vehemently opposed the prayer for bail of the petitioner and submits that from perusal of the F.I.R. it appears that there is specific and direct allegation of assault attributed against the petitioner and apart from that petitioner carries one more case other than the present one but fairly submits that the police after investigation submitted final form in favour of the petitioner.

6. Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, West Champaran at Bettiah



in connection with Bettiah Mufassil (Manuapool O.P.) P.S. Case No. 615 of 2023, subject to the following conditions :-

(1) 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.

(2) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) 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 antecedents, 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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