

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73937 of 2024

Arising Out of PS. Case No.-11 Year-2023 Thana- BIHARIGANJ District- Madhepura

Md. Gulfan @ Md. Gulphan Ansari @ Gulphan Ansari Son of Md. Wahab Ansari @ Bauku Ansari Resident of Village- Rampur Ward No. 7, P.S.- Bihariganj, Distt.- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Uday Chand Prasad, Advocate Mr. Manoj Kumar, Advocate Mrs. Pooja Prasad, Advocate
For the State	:	Mr. Mohammad Sufyan, APP

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

8 16-06-2025 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner seeks bail in connection with Bihariganj P.S. Case No. 11 of 2023, S.T No. 13/2024 registered for the offences under Sections 323, 341, 379, 504, 506 and 307 of the Indian Penal Code and Section 27 of the Arms Act.

3. The prosecution case is to the effect that while the informant was going to his house he was intercepted by three miscreants riding on a motorcycle. It is further alleged that Md. Gulfan (petitioner) inquired from the informant as to why the photograph with arms of the petitioner went viral and thereafter



he snatched away the gold chain and cash Rs. 5,000/- and the motorcycle on which the informant was riding. It is further alleged that the petitioner shot from his firearm hitting him on his abdomen and thereafter all the three miscreants fled.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. It has further been submitted that no recovery of any arms or any incriminating material has been made from the conscious possession of the petitioner. It has also been submitted that it is on account of eight criminal antecedents of the petitioner that he has falsely been implicated in this case and he is in custody since 15.04.2023. It has lastly been submitted that despite passage of more than two years the trial has not yet proceeded and from the report which was called for by this Court it appears that till 01.03.2025 no witness has been produced on behalf of the prosecution.

5. The learned Additional Public Prosecutor for the State has opposed the prayer for bail and has stated that there is specific allegation against the petitioner to have fired upon the informant hitting him on his abdomen.

6. Considering the aforesaid facts and circumstances of the case and taking into account the period of custody and also



noting the fact that there is no possibility of the trial being concluded in the near future, let the petitioner, above named, be enlarged 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 the learned Additional District and Sessions Judge VIII, Madhepura in connection Bihariganj P.S. Case No. 11 of 2023, S.T. No. 13/24 subject to the conditions that

- a. One of the bailors of the petitioner shall be his close relative.
- b. The petitioner shall remain physically present in Court on each date of the trial.
- c. In case of absence on two consecutive dates, or in violation of the terms of the bail and if the prosecution is found involvement of the petitioner in similar nature of offence, the bail bond of the petitioner will be liable to be canceled by the Court concerned.
- d. 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.

(Sourendra Pandey, J)

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