

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79818 of 2024

Arising Out of PS. Case No.-39 Year-2024 Thana- SIMULTALLA District- Jamui

1. Nasim Ansari @ Naim Ansari S/O Ishak Ansari Resident Of Village-Kewalfariatta P.S.-Khaira, District- Jamui.
2. Bharat Ray S/O Birju Ray R/O Vill.- Baratand, P.S- Garhi (Khaira), District-Jamui.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dipak Kumar, Adv.

For the Opposite Party/s : Mr.Shailendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

3 06-02-2025 Heard learned counsel for the petitioners and learned APP for the State. Perused the case diary.

2. The petitioners seek bail in connection with Simutala P.S. Case No. 39 of 2024 instituted for the offences under Sections 399/402 of the Indian Penal Code and Section 25(1-B)a, 26 and 35 of the Arms Act.

3. As per prosecution case, the police has recovered one country made loaded pistol along with one live cartridge , one motorcycle and three mobile phones from the possession of petitioner no.1. The police has also recovered one country made loaded pistol along with two live cartridges, one motorcycle and one mobile phone from the possession of petitioner no.2.



4. Learned counsel for the petitioners submits that the petitioners are innocent and have committed no offence at all as alleged against them rather they have falsely been implicated in the present case only with a view to cause harassment. He further submits that nothing incriminating has been recovered from the conscious/physical possession of the petitioners. Learned counsel for the petitioners submits that looted motorbike and mobile phone from Simultala P.S. Case No. 35 of 2024 have been recovered from the accused persons but, in that case, no Test Identification Parade was conducted for identification of the accused persons. The petitioners have no concern with the alleged occurrence. There is a non-compliance of Section 103 of the B.N.S.S. which creates a serious doubt in the prosecution case. The petitioner no.1 has five criminal antecedents whereas petitioner no.2 has one criminal antecedent in which he is on bail and are languishing in judicial custody since 26.04.2024/11.04.2024 without any rhymes or reason. Charge-sheet has been submitted in this case.

5. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioners, stating that the offence alleged against the petitioners is serious in nature.



6. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case and the period of custody of the petitioners, let the petitioners, abovenamed, be released on bail, *after framing of charge if not already framed*, on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Simutala P.S. Case No. 39 of 2024, subject to the following conditions;

(i) One of the bailor(s) shall be the own/close family members of the petitioners.

(ii) The petitioners shall cooperate 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 in the event of failure on two consecutive dates without sufficient reasons, their bail bond shall be liable to be cancelled by the court below.

(Rudra Prakash Mishra, J)

rishi/-

U		T	
---	--	---	--

