

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77828 of 2025

Arising Out of PS. Case No.-42 Year-2025 Thana- GURUA District- Gaya

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Anwar Ansari @ Anwar Alam Son of Late Jalalluddin Ansari REsident of
Village- Dumri, P.S.- Gurua, Distt.-Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Murad Ashraf
For the Opposite Party/s	:	Mr. Satyendra Narayan Singh
For the wife of the deceased	:	Mr. Shadab Akhter

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR SINGH
ORAL ORDER

2 08-12-2025 1-By means of this bail application, petitioner, who is involved in connection with Gurua P.S. Case No. 42 of 2025, registered for the offences punishable under Section 108 of the BNS, seeks enlargement on bail during the pendency of trial.

2-Heard learned counsel for the petitioner, learned counsel appearing on behalf of wife of the deceased and learned Additional Public Prosecutor representing the State.

3-As per prosecution case, in brief, Manoj Kumar, who is Assistant Sub-Inspector, Gurua Police Station got a First Information Report lodged on 03.02.2025 against the petitioner Anwar Ansari and his brother Iftekhar Ansari stating *inter alia* that on 31st January, 2025 at about 22:00 O'clock, he received an information that Shoaib Ansari has died by consuming poison.

4-It is argued by learned counsel for the petitioner,



that the petitioner is innocent and has been falsely implicated in this case. Much emphasis has been given by contending that during investigation, it is alleged that since the petitioner was not allowing the deceased to sell the ancestral property which came in his share and he was not being provided food and medicine therefore, he committed suicide whereas the said allegation against the petitioner is wholly false. It is further submitted that in fact, there was matrimonial dispute between the deceased and his wife, regarding which wife of deceased had filed a complaint being Complaint Case No. 390 of 2024, in which deceased as well as the petitioner were the accused. Since the deceased was real brother of the petitioner and he was handicapped therefore, full co-operation and support was extended by the petitioner and other family members. It is also pointed out that as per case of prosecution, Investigating Officer has collected a video of the deceased but in the said video face of the petitioner is not visible, hence cannot be taken into consideration at this stage. Lastly, it is submitted that the alleged allegations made by the prosecution is not sufficient to satisfy the essential ingredients of abetment and instigation against the petitioner. It is also submitted that except Complaint Case No. 390 of 2024 filed by the wife of the deceased, the petitioner has



no criminal history and is languishing in jail since 20.07.2025 and in case he is released on bail, he will not misuse the liberty of bail and cooperate with the trial.

5-On the other hand learned Additional Public Prosecutor for the State and learned counsel appearing for the wife of the deceased opposed the prayer for bail reiterating the prosecution in the light of the First Information Report but they do not dispute that wife of deceased had filed a Complaint Case (Complaint Case No. 390 of 2024) against her husband (now deceased) as well as petitioner.

6. Having heard the submissions of learned counsel for the parties and perused the record, I find that it is not in dispute that there was matrimonial dispute between the deceased and his wife. Investigation has been completed and charge-sheet has been submitted against the petitioner. Now there is no possibility of tampering the witnesses. Due to heavy docket of the cases, the possibility of conclusion of trial in near future is very bleak. There is no chance of the petitioner, of fleeing away from the judicial process or tampering with the prosecution evidence. As on date there is no material on record to presume that there is danger, of course, of justice being thwarted by grant of bail to the petitioner.



7-In view of the above, without entering into merit of the case, keeping in view the nature of the offence, evidence, severity of punishment, complicity of the petitioner, submissions of the learned counsel for the parties and reasons as noted above, this Court is of the opinion that the petitioner is liable to be released on bail.

8-Accordingly, the bail application of the petitioner stands allowed.

9-Let the petitioner- Anwar Ansari, be released on bail in the aforesaid case on a personal bond of Rs. 10,000/- (Ten Thousand) and two sureties of like amount each to the satisfaction of the court concerned with the following conditions:-

(i) That the petitioner shall cooperate in the expeditious disposal of the trial and shall regularly attend the court unless inevitable.

(ii) That the petitioner shall not directly or indirectly involve in any criminal activity.

10-In case of breach of above conditions by the petitioner, it will be open for the prosecution to move bail cancellation application before the Court concerned.

11-It is clarified that anything said in this order is



limited to the purpose of determination of this bail application and will in no way be construed as an expression on the merits of the case. The trial court shall be absolutely free to arrive at its independent conclusions on the basis of evidence led unaffected by anything said in this order.

12-The trial Court shall make an endeavour to conclude the trial of the petitioner expeditiously without granting unnecessary adjournment to either of the parties.

(Sanjay Kumar Singh , J)

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