

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.404 of 2025

Arising Out of PS. Case No.-87 Year-2018 Thana- GORIAKOTHI District- Siwan

1. Mustafa Ansari S/O Halim Ansari @ Mohammad Halim Ansari Resident Of Village- Jalpurwa, P.S.- Goreyakothi, Dist.- Siwan.
2. Islam Mian @ Islam Ansari S/O Halim Ansari @ Mohammad Halim Ansari Resident Of Village- Jalpurwa, P.S.- Goreyakothi, Dist.- Siwan.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Tiwary

For the Opposite Party/s : Mr. Shyam Kumar Singh

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 05-02-2025 1. Heard learned Counsel for the petitioners and learned Additional Public Prosecutor for the State.

2. This application, for grant of anticipatory bail, arises out of Goreyakothi Police Station Case No. 87 of 2018, disclosing offences under Sections 302, 201, 379, 120(B), 34 of the Indian Penal Code.

3. As per the FIR, on 12.05.2018, in the evening, the brother-in-law of the informant Nashir Alam came at home and without informing anything, went away. In the night, the informant received a phone call on her cell phone and one lady namely Shilpi told that informant's brother-in-law had come to meet her and enquired about the fact as to whether he reached



his home or not. Subsequently, the informant got the information that her brother-in-law was seen in the orchard and when the informant along with her family members went there, the informant saw the dead body of her brother-in-law.

4. Learned Counsel for the petitioners submits that the petitioners are not named in the FIR. During the course of investigation, the police submitted final form (charge sheet) on 05.11.2018 exonerating the petitioners from the charges not sending them for trial. After submission of the charge sheet/final form, the Chief Judicial Magistrate, Siwan, by his order dated 28.02.2019, differed with the final form and took cognizance against the petitioners which was challenged by the petitioners in Cr. Revision No. 155 of 2022 before the Court learned Sessions Judge, Siwan, and after dismissal of the criminal revision vide order dated 06.08.2024, the anticipatory bail application has been filed which has been dismissed by order dated 24.10.2024 primarily on the ground that the deceased was having love affair with the girl namely Shilpi and the petitioners are the supporters of Shilpi's father. Learned Sessions Judge further took into consideration the fact that anticipatory bail application of petitioner no. 1/Mustafa Ansari, bearing ABP No. 1143 of 2018, was dismissed by the learned Sessions Judge on



30.07.2018. Learned counsel further submits that since the anticipatory bail application of petitioner no. 1 was dismissed prior to submission of the charge sheet/final form exonerating the petitioners and subsequently, on 05.11.2018, the final form was submitted not sending the petitioners for trial, as such, the petitioners including the petitioner no. 1 filed criminal revision and anticipatory bail on the fresh grounds. The cognizance against the petitioners have been taken without any cogent materials. The petitioner is ready to co-operate and participate in the trial.

5. Having regard to the submissions made on behalf of the parties and taking into consideration the fact that after investigation police submitted final form not sending the petitioners for trial and the petitioners are ready to co-operate and participate in the trial after cognizance has been taken by the learned Magistrate, I am inclined to grant the petitioners privilege of anticipatory bail.

6. This application is, accordingly, allowed.

7. Let the petitioners, above named, in the event of their arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount



each to the satisfaction of learned Chief Judicial Magistrate,
Siwan, in connection with Goreyakothi Police Station Case No.
87 of 2018, subject to the condition laid down under Section
438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

HarshPandey/-

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