

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.91258 of 2025**

Arising Out of PS. Case No.-49 Year-2024 Thana- HUSSAINGANJ District- Siwan

1. Mohammad Ansari @ Bhuttu S/o Mohammad Tahir Ansari Resident Of Village- Bindwal, Ps- Hussainganj, Dist- Siwan
2. Imam Ansari @ Sagun @ Imam Hussain S/o Mohammad Tahir Ansari Resident Of Village- Bindwal, Ps- Hussainganj, Dist- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Dhananjay Kumar Shahi, Advocate

For the Opposite Party/s : Mr. Bhanu Pratap Singh, APP

**CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR SINGH**  
**ORAL ORDER**

2      15-01-2026                      1.By means of this bail application, petitioners, who are involved in connection with Hussainganj P.S Case no. 49 of 2024 registered for the offences under Section 363 read with Section 34 of I.P.C to which Sections 201, 302, 120(B) of I.P.C were added subsequently, seek enlargement on bail during the pendency of trial.

2. Heard learned counsel for the petitioners and learned Additional Public Prosecutor representing the State.

3. The brief facts of the case which are required to be stated are that Anwar Ali who is father of the deceased gave an information to the police on 23.02.2024 stating inter alia that on 22.02.2024 at about 07.30 P.M., co-accused, Bullet Ansari @



Ahsanul Haque asked his son on phone to come to his house. Thereafter, his son went to the house of co-accused Bullet Ansari @ Ahsanul Haque. At about 8.00 P.M., when he called on his son's mobile, then he informed that he is at the house of co-accused Bullet Ansari @ Ahsanul Haque. At about 2.00 A.M., he again made a call on his son's phone but it was switched off. Hence he believed that his son has been kidnapped by Bullet Ansari @ Ahsanul Haque. FIR also alleges that when informant's wife went to attend call of nature in the night, she saw in the torch light that her son was going with Bullet Ansari @ Ahsanul Haque and Saiyad Ansari.

4.It is argued by learned counsel for the petitioners that petitioners are innocent and they have been falsely implicated in this case due to ulterior motive. It is further submitted that the petitioners are not named in the FIR. After five days of registration of FIR, complainant moved another application dated 28.03.2024 stating inter alia that in the said incident four other persons were also involved, whose name later on surfaced as Abdul Majid, Ahmed Raqza and petitioners namely Mohammad Ansari @ Bhuttu and Imam Ansari @ Sagun. It is also pointed out that co-accused Abdul Majid, Ahmed Raqza and Saiyad Ansari have been granted bail by a coordinate Bench



of this Court vide orders dated 13.11.2025, 28.11.2025 and 01.12.2025 respectively, hence the petitioners are also entitled to be released on bail. The petitioners have no criminal history. Averments in this regard have been mentioned in paragraph no. 3 of the bail application. Several other submissions in order to demonstrate the falsity of the allegations made against the petitioners have also been placed forth before the Court. Lastly, it is submitted that petitioners are languishing in jail since 26.08.2025. In case they are released on bail, they will not misuse the liberty of bail and cooperate with the trial.

5.Per contra, learned Additional Public Prosecutor for the State opposed the prayer for bail of the petitioners reiterating the prosecution case as mentioned in F.I.R. but he does not dispute the averments made in bail application and the submission made at the bar on behalf of the petitioners.

6.Having heard the submissions of learned counsel for the parties and perused the record, I find that petitioners are not named in the FIR. There is no direct evidence against them and identically situated co-accused Abdul Majid and Ahmed Raqza have been granted bail as noted above. The named accused Saiyad Ansari has also been released on bail. The investigation has been completed and charge-sheet has been submitted against



the petitioners. Now there is no possibility of tampering the witnesses. Due to heavy docket of the cases, the possibility of conclusion of trial of the petitioners in near future is very bleak. There is no chance of the petitioners, 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 petitioners.

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 petitioners, submissions of the learned counsel for the parties made at the bar and reasons as noted above, this Court is of the opinion that the petitioners are liable to be released on bail.

8.Accordingly, the bail application of the petitioners stands allowed.

9.Let the petitioners namely Mohammad Ansari @ Bhuttu and Imam Ansari @ Sagun @ Imam Hussain be released on bail in the aforesaid case on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) each with two sureties in the like amount each to the satisfaction of the Court concerned with the following conditions that :-



(i) the petitioners shall cooperate with the expeditious disposal of the trial and shall regularly attend the Court unless inevitable. Two consecutive default in putting appearance shall lead to an action towards cancellation of the bail bond of the petitioners.

(ii) the petitioners shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

(iii) the petitioners shall not directly or indirectly involve in any criminal activity after being released on bail.

(iv) in case, at any stage it is found the petitioners have concealed their criminal history before this Court, learned Court below shall cancel the bail bonds of the petitioners after hearing them and getting satisfied that the petitioners have concealed criminal antecedents despite their knowledge of the same.

(v) in case, it is brought to the notice of the Court below that statement regarding previous bail petition is wrong, learned Court below shall cancel the bail bonds of the petitioners.

10. 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.

11.The trial Court shall make an endeavour to conclude the trial of the petitioners expeditiously without granting unnecessary adjournment to either of the parties.

**(Sanjay Kumar Singh , J)**

Prakash/-

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