

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3515 of 2015

Arising Out of P.S. Case No. -27 Year- 2014 Thana -HATHUA District- GOPALGANJ

1. Mahfouz Ansari @ Mahfuz Ansari, son of Akbar Ansari,
2. Firoz Ansari, son of Late Jabir Ansari,
3. Gaffar Ansari, son of late Jamil Ansari,
4. Shahil Ali Ansari @ Sahil Ali @ Sahil Ansari, son of Tafazzul Ansari,
5. Adnan Ansari, son of late Mansoor Ansari,
6. Ali Ansari @ Md. Ali, son of Nasir Alam Ansari @ Nasir Ansari,
7. Abdul Wahab, son of late Md. Abbas @ Late Abbas Mian,
8. Shareque Ali @ Rinku, son of Abdul Wahab,
9. Wamique Ali @ Wamique @ Dablu, son of Abdul Wahab,
10. Asif Ansari, son of Kamruddin Ansari,
11. Mohammad Arif @ Arif Ansari, son of Sami Ahmad,
12. Shamshul Haque, son of Manejar Hussain,
13. Aftab Alam @ Aftab Samani, son of Abdul Haque Samani @ Abdul Haque,
14. Mumtaz Rabbani @ Mumtaz Ali Rabbani, son of Late Amir Hassan,
All are resident of Village – Khansama Tola, P.S. Hathua, District – Gopalganj,
15. Imteyaz Ansari, son of Hafiz Ansari, R/o Village – Bhoju Khan Ke Tola, P.S. Hathua, District – Gopalganj,
16. Sebu Ansari, son of Gaffar Ansari,
17. Tafazzul Ansari, son of late Amin Mian,
18. Taufique Ansari @ Taufique, son of late Amin Mian,
19. Zishan Ansari @ Zishon Ali, son of Nasir Ansari,
20. Rasool Ansari @ Amanullah Ansari, son of Hadis Ansari,
21. Shami Ahmad @ Sami Ahmad Ansari, son of Late Rahat Hussain,
22. Laddan Ansari, son of Jamadar Ansari,
23. Faisal Ali, son of Nabi Rasool,
24. Farauque Ali, son of Ismail Ansari,
25. Adil Ali, son of Ismail Ansari,
26. Kaif Ali, son of Israil Ansari,
27. Mahaboob Ansari, son of Late Yakub Ansari,
28. Rahman @ Abdul Rahman, son of Aftab Alam

All are resident of Village – Khansama Tola, P.S. Hathua, District Gopalganj.

.... .. Petitioners

Versus

The State of Bihar

.... .. Opposite Party

=====

Appearance:

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

=====

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA

ORAL ORDER

2 27-01-2015

Heard both sides.

The petitioners, 28 in number, are apprehending their arrest in a case registered under Section 307 and other sections of the Indian Penal Code.

Abu Tarab named the petitioners and alleged that while measurement of a land was in progress, petitioner no. 1 Mahfooj Ansari came and took the side of Tafazzul Ansari. The accused persons are alleged to have assaulted the informant and others.

Learned counsel for the petitioners submits that there is case and counter-case. From the side of the petitioner no. 1, Mahfooj Ansari, Hathua P.S. Case No. 26 of 2014 was registered against the informant under Section 307 and other sections of the Indian Penal Code and Section 27 of the Arms Act. All the injuries found on the person of the injured are simple in nature. On

account of a land dispute, the present case has been lodged. There are omnibus and general allegations against the petitioners.

It appears from perusal of the record that a very specific allegation has been levelled against the petitioner no. 1 Mahfouz Ansari @ Mahfuz Ansari that he attempted to assault Fahim Akhtar with a knife on his neck and chest. While resisting the blows, Fahim Akhtar sustained two injuries, one on his forehead and another on his hand. There is no such allegation against other petitioners.

Considering the fact that the occurrence took place on account of land dispute and the injuries found on the person of the injured are simple in nature, the above named petitioners no. 2 to 28, in the event of their arrest or surrender before the learned court below within a period of four weeks from the date of receipt / production of a copy of this order, are directed to be enlarged on bail on furnishing bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of Shri R.K. Dwivedi, Judicial Magistrate 1st Class, Gopalganj in Hathua P.S. Case No. 27 of 2014, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

So far as the case of the petitioner no. 1 Mahfouz Ansari @ Mahfuz Ansari is concerned, there is a very specific

allegation that he assaulted Fahim Akhtar with a knife on his forehead and hand. Considering the facts aforesaid, I am not inclined to enlarge the petitioner no. 1 on anticipatory bail.

Accordingly, the prayer for anticipatory bail of the petitioner no. 1 in the aforementioned case is rejected.

(Prabhat Kumar Jha, J)

Dilip/-

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