

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.53458 of 2015

Arising Out of PS.Case No. -47 Year- 2015 Thana -SHYAMPUR BHATHAN District- SHEOHAR

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1. Dahaur Ansari @ Dahaud Ansari son of Late Abdul Ansari
 2. Rajid Ansari @ Razid Ansari son of Dahaur Ansari
 3. Shahida Khatoon Wife of Wasi Akhtar All residents of village- Nayagaon Maliya Tola, P.S.- Shyampur Bhatahan, District- Sheohar

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Md. Imtiyaz Hussain, Advocate

For the Opposite Party/s : Mr. R.B.Roy Raman APP

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 18-01-2016 Heard learned counsel for the petitioners, learned counsel for the informant and the learned A.P.P. representing the State.

The petitioners seeks bail in connection with Shyampur Bhatahan P.S. Case No. 47 of 2015 registered for the offences punishable under Sections 147, 149, 323, 341, 337, 338, 307,302,504 and 506 of the Indian Penal Code.

Allegedly, fourteen F.I.R. named accused persons including the petitioners started assaulting the informant with lathi and bricks and then younger brother, Anwar Ansari came for rescue resulting the accused persons started assaulting Anwar Ansari and further when Naseem Ansari and Shakeel Ansari, the

two sons of the informant came for rescue, they were also assaulted and Anwar Ansari succumbed to the injuries.

Submission is of false implication and that the petitioners have got no criminal antecedent, there is no specific allegation. The allegations are omnibus and general in nature, the manner of occurrence as alleged is not true. The petitioner no.3 is a *pardanasin* lady and two year child is in her lap, who is also in jail, the petitioner no.1 is an old man aged about 75 years. The occurrence has taken place at the spur of the moment and they are suffering in custody since 21.08.2015.

Learned A.P.P duly assisted by learned counsel for the informant opposes the prayer of bail by submitting that the petitioners and others have brutally assaulted the deceased and also the two sons of the informant and during investigation the witnesses have supported the prosecution version.

In the facts and circumstances stated above, considering that charge-sheet has already been submitted and there is no chance of tampering with the prosecution evidence, the allegations are omnibus and general in nature and, as such, the petitioners have directed to be released on bail on execution of furnishing of bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the

Learned C.J.M., Sheohar arising out of Shyampur Bhatahan P.S.
Case No. 47 of 2015 subject to the conditions that one of the bailors must be near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioners shall remain present on each and every date during trial and the default on two consecutive dates on their part without any reason shall disentitle the petitioners from privilege of bail.

(Jitendra Mohan Sharma, J.)

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