

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4084 of 2016

Arising Out of PS.Case No. -223 Year- 2015 Thana -HUSAINGANJ District- SIWAN

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1. Naem Ansari
 2. Pinku Ansari Both 1 & 2 sons of Mustafa Ansari R/o Village- Gaighat, P.S.- Ander, District- Siwan.
 3. Jawed Ansari @ Javed Ansari
 4. Shahid Ansari Both 3 & 4 sons of Late Habibul Ansari resident of Village- Ander, P.S.- Ander District- Siwan.
 5. Gudiya @ Imdad @ Imdad Ansari
 6. Md. Naimuddin @ Naimuddin Both 5 & 6 sons of Hamidullah Ansari resident of Village- Mahpur, P.S.- Hussainganj, District- Siwan.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Javed Aslam

For the Opposite Party/s : Mr. Rajendra Prasad Nat (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

- 2 29-01-2016 Heard learned counsels for the petitioners and the State.
- The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 341,323,324,379 and 504/34 of the Indian Penal Code and section 27 of the Arms Act.
- The prosecution case is that on 17.8.2015 petitioner no. 1 Naem Mian and petitioner no. 2 Pinku Ansari dashed the informant with motorcycle, on protest being made they went away after giving threat. Subsequently, they came when the petitioners along with other accused persons surrounded the informant. On

the order of co accused Javed, petitioner no. 4 Shahid Ansari made attempt to assault with knife on the chest of the informant causing injury whereas co accused Rashid fired with pistol on temporal region. It is alleged that petitioner no. 6 took out five thousand rupees from the pocket of the informant and petitioner no. 2 snatched chain when other accused persons assaulted with fists and slaps.

It is submitted by the learned counsel for the petitioners that the injury has been found to be simple superficial in nature and for the occurrence of 17.8.2015 the FIR was registered on 19.8.2015. There is counter version of occurrence also.

Considering the nature of accusation, let the learned court below consider the prayer for regular bail of the petitioner no. 4 Shahid Ansari in case he surrenders within six weeks from today in connection with Hussainganj P.S. Case No. 223 of 2015 pending in the court of learned C.J.M. Siwan.

So far as petitioner nos.1 to 3, 5 and 6 are concerned, since there is no specific accusation against them of making assault, more over the case was lodged with inordinate delay, let them be released on anticipatory bail in the event of arrest or surrender before the learned Court below within a period of twelve weeks from today on furnishing bail bond of Rs. 10,000/- (ten

thousand) each with two sureties of the like amount each to the satisfaction of learned CJM, Siwan in connection with the aforementioned case subject to the conditions as laid down under Section 438(2) Cr.P.C.



(Dinesh Kumar Singh, J)

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