

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38157 of 2016

Arising Out of PS.Case No. -14 Year- 2016 Thana -MATIARIA District-
WESTCHAMPARAN(BETTIAH)

- =====
1. Reyazul Ansari, Son of Late Abdul Latif Mian,
 2. Soyba Khatoon @ Soyab Khatoon Wife of Reyazul Ansari. .
 3. Manir Ansari @ Monir Ansari @ Md. Manir Ansari Son of Reyazul Ansari.

All three residents of Village- Unraul, P.S- Matiyariya, District- West Champaran.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey

For the Opposite Party/s : Mr. A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2 14-09-2016 Heard Sri Bimlesh Kumar Pandey, learned counsel for the petitioners, learned Addl. Public Prosecutor as well as Sri Aditya Nath Jha, learned counsel, who has voluntarily appeared on behalf of the informant.

Three petitioners, who are close relation of the informant, apprehending their arrest in Matiyariya P.S.Case No.14 of 2016 registered for the offence under Sections 341, 323, 307, 379, 504, 506, 354/34 of the Indian Penal Code, have prayed for grant of bail, in the event of their arrest or surrender.

It was submitted by learned counsel for the petitioners that petitioner no.1 is full brother of the informant;



whereas petitioner no.2 is his wife and petitioner no.3 is his son. He submits that due to land dispute, alleged occurrence had taken place. By way of referring to injury reports, copy of the same have been brought on record in the present petition, learned counsel for the petitioners submits that injuries contradict the statement made in the F.I.R.. He submits that in the F.I.R. there is allegation that petitioners had used Lathi and rod, whereas injury reports show that there was cut injury, which has been caused by sharp edged weapon. In any event, most of the injuries have been found as simple in nature. He submits that there is no attraction of Section 307 of the Indian Penal Code. So far as Sections 379 and 354 of the Indian Penal Code are concerned, which are not bailable besides Section 307 of the Indian Penal Code, those allegations have been made with a view to give a colour of seriousness of offence, otherwise other Sections are bailable in nature. Learned counsel for the petitioners submits that there was case and counter case.

Sri Aditya Nath Jha, learned counsel for the informant has vehemently opposed the prayer for grant of anticipatory bail. He submits that injuries, which were received by the wife of the informant, regarding which till date no final opinion has been recorded, according to him, were grievous in

nature.

Keeping in view the fact that petitioner no.1 and the informant are full brothers, there is land dispute, there was case and counter case as well as considering the nature of accusation, the Court is of the opinion that it is a fit case for grant of anticipatory bail. Accordingly, let the aforesaid three petitioners, namely, (i) Reyazul Ansari (ii) Soyba Khatoon @ Soyab Khatoon and (iii) Manir Ansari @ Monir Ansari @ Md. Manir Ansari, in the event of their arrest or surrender within six weeks from today, be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of Sri S.D. Bharti, learned Judicial Magistrate, 1st Class, Bettiah, West Champaran in connection with Matariya P.S. Case No.14/2016, subject to conditions as laid down in Section 438(2) of the Code of Criminal Procedure.

(Rakesh Kumar, J)

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