

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26999 of 2016

Arising Out of PS.Case No. -188 Year- 2015 Thana -SATHI District-
WESTCHAMPARAN(BETTIAH)

- =====
1. BABLOO KUMAR SINGH @ SADHU SINGH @ BABLOO SINGH son of Parmod Singh
 2. Ulfat Miyan Mansoori @ Ulfat Mansoori Son of Late Juman Mansoori
 3. Sabbir Ansari son of Late Nathuni Ansari
 4. Shakil Ansari son of Late Mohmood Ansari
 5. Sahim Ansari son of Late Mohmood Ansari
 6. Mokim Ansari son of Late Mohmood Ansari
 7. Tunna Ansari son of Mohamzan Ansari
 8. Barhin Mansoori @ Berhin Mansoori son of Sadik Mansoori All resident of Village- Bhabhata, P.S. Sathi, District- West Champaran.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey

For the Opposite Party/s : Mr. Smt Indu Kumari Srivastava

=====

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 30-06-2016 Petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 147, 148, 149, 395, 446, 452, 427, 323, 307 of the Indian Penal Code, Section 27 of the Arms Act and Section 3/4 of the Explosive Substances Act.

The prosecution case is that on 05.08.2015 at 8-9 P.M the accused persons variously armed came at the door of the informant and started raising slogans when petitioner No. 6 Mokim Ansari exploded two bombs and other accused persons opened fire, damaged the motorcycle, furniture and window panes of the house of the informant. The informant

closed the door but the accused persons broke open the door and petitioner No. 4 and co-accused Hakim Ansari assaulted the informant and confined him in a room. The accused persons also damaged the household articles and took out cash, jewellery and other articles. Co-accused Munna Ansari and petitioner No. 7 took out the cattle of the informant. The accused persons also attacked the house of the neighbours of the informant and robbed and when protest was made they resorted to fire but none received any injury.

It is submitted by learned counsel for the petitioners that for the occurrence of 05.08.2015 the complaint was filed on 10.08.2015 which came to be registered as police case after being transferred under Section 156(3) Cr.P.C on 07.09.2015. It is further submitted that informant's side killed the husband and son of co-accused Hasina Khatoon on 05.08.2015 for which Sathi P.S. Case No. 159 of 2015 was registered on 06.08.2015 under Sections 147, 148, 149, 302, 120B of the Indian Penal Code and Section 27 of the Arms Act wherein father of the informant is an accused. Hence, as a retaliatory measure the present case has been lodged. Though there is accusation that petitioner No. 6 exploded bomb but no injury was caused to anyone. A statement to that effect has been made in para 10 of the petition which reads as follows:-

“That none has sustained any
injury and there is no injury report to substantiate

the allegation of assault.”

A statement has been made in para 3 of the petition that petitioners have no criminal antecedent.

Considering the delayed lodging of the complaint and the case lodged by the petitioners’ side at earlier point of time when two persons died from the petitioners’ side, let the petitioners, above named, in the event of their arrest or surrender before the Court below within a period of 12 weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/-(ten thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Bettiah, West Champaran in connection with Sathi P.S. Case No. 188 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

Shageer/-

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