

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.27115 of 2016**

Arising Out of PS.Case No. -217 Year- 2015 Thana -FORBESGANJ District- ARRARIA

- =====
1. Md. Hamid Ansari @ Md. Hamid Taiyabi son of Taiyab Ansari
  2. Md. Irshad Ansari son of Harful Ansari
  3. Md. Mobarak Ansari son of Rasool Ansari
  4. Md. Shamshad Ansari @ Md. Shamshad son of Bhola Ansari
- All residents of village - Rampur (Dakkin), Ward No. 10, P.S. –  
Forbesganj, Dist - Araria.

.... .... Petitioner/s

Versus

The State of Bihar.

.... .... Opposite Party/s

=====

**Appearance :**

For the Petitioner/s : Mr. Ramesh Kumar Singh

For the Opposite Party/s : Mr. Sri Jitendra Kumar Singh

=====

**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH**

ORAL ORDER

02/ 04-07-2016

Heard learned counsels for the petitioners

and the State.

The petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 341, 323, 354B, 307, 379, 504 and 506/34 of the Indian Penal Code.

The prosecution case is that the petitioners tried to drag the informant and her sister-in-law to maize field in order to ravish them. On alarm being raised petitioner no. 3 Md. Mobarak Ansari and petitioner no. 4 Md. Shamshad Ansari started putting cloth in their mouth and petitioner no. 1 Md.



Hamid Ansari assaulted the sister-in-law of the informant with Dabia whereas petitioner no. 2 Md. Irshad Ansari assaulted the informant with Dabia. The accused persons took away silver necklace and gold earring from the informant and her sister-in-law. The injury caused to the sister-in-law of the informant has been found to be grievous whereas the injury with regard to the informant has been kept reserved.

It is submitted by learned counsel for the petitioners that at earlier point of time Sonu Ansari the brother of petitioner no. 1 Md. Hamid Ansari was killed at the hands of the husband of the informant and his other brothers leading to registration of Forbesganj P.S. Case No. 655 of 2014 under Sections 302 and 201/34 of the Indian Penal Code on 25.09.2014, hence, as a retaliatory measure the present case has been lodged. It is further submitted that accusation of assault has not been levelled against petitioner nos. 3 and 4 Md. Mobarak Ansari and Md. Shamshad Ansari.

Considering the lodging of the case by the petitioners' side at earlier point of time and the accusation of assault has not been levelled against petitioner nos. 3 and 4, let the above named petitioner nos. 3 and 4 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 bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Araria in connection with Forbesganj P.S. Case No. 217 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

So far as petitioner nos. 1 and 2, namely, Md. Hamid Ansari and Md. Irshad Ansari are concerned, let the learned court below consider their prayer for regular bail, if they surrender before the learned court below within a period of six weeks from today keeping in view of the fact that petitioners' side have lodged case against informant side at earlier point of time.

**(Dinesh Kumar Singh, J)**

DKS/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|