

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.50728 of 2017

Arising Out of PS.Case No. -220 Year- 2009 Thana -SAKRA District- MUZAFFARPUR

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1. Md. Shakil Ansari @ Shakil Ansari sonof Halim Ansari,
2. Md. Taslim Ansari @ Taslim Ansari, son of Late Budhan Ansari,
Both resident of Village – Chakrabe Maniyari, P.S. Sakra, Distt.
Muzafarpur

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance:

For the Petitioner/s : Mr. Arun Kumar, Advocate.

For the Opposite Party/s : Mr. Shailendra Kumar – 2, Advocate.

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL ORDER

2 18-10-2017 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

The petitioners, in the present case, are seeking anticipatory bail in connection with Sakra P.S. Case No. 220/09 registered for offences punishable under Sections 448, 323, 307, 379/34 and 504 of the Indian Penal Code.

Learned counsel for the petitioners submits that a bare perusal of the F.I.R. would show that there are general allegations against all the accused persons, moreover no serious injuries have been found on the bodies of the informant, his wife and nephew. In fact, submission is that no injury has been caused. It is further submitted that as against the present case, there is another case



being Sakra P.S. Case No. 200/2009 lodged by Asma Khatoon in which she has alleged that the informant of the present case had indulged in assaulting her on 09.06.2009.

On the other hand, learned A.P.P. opposed the prayer for anticipatory bail.

This Court, on perusal of the records, finds that the present case in which the petitioners are seeking anticipatory bail was lodged on 22.06.2009. Learned Sessions Judge in the impugned order has taken note of this fact that the Anticipatory Bail Application was moved after seven years and the witnesses in the case diary have supported the allegations of assault made by these petitioners to the informant and his nephew.

At this stage, learned counsel for the petitioners submits that in fact the investigation is not complete till date and no charge sheet has been filed by police.

In view of above, I am not inclined to grant anticipatory bail to the petitioners but, in case the petitioners surrender within four weeks from today and pray for regular bail in the court below, the same shall be considered on the basis of the materials collected by police in course of investigation and the submission of the petitioners that there is a case and counter-case



which arose out of the same petty dispute.

The application is dismissed.

(Rajeev Ranjan Prasad, J)

Dilip, AR

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