

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.59492 of 2018

Arising Out of PS.Case No. -44 Year- 2016 Thana -DHAKA District- EASTCHAMPARAN
(MOTIHARI)

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1. Ashraf Ansari @ Asrat Ansari
2. Ashif Ansari

Both sons of Late Kitabul Ansari resident of Village - Yadopur Bakhari
(Tola - Tetri), Police Station - Dhaka, District - East Champaran.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Surendra Kishore Thakur

For the Opposite Party/s : Mr. Sri Tarkeshwar Nath Thakur

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

2 28-09-2018 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner is in custody since 11.07.2018 in
connection with Trial No. 2141 of 2018 arising out of Dhaka P.S.
Case No. 44 of 2016 for the offence registered under Sections
147, 148, 149, 447, 506, 323, 324, 307 and 379 of the Indian Penal
Code.

Learned counsel for the petitioner submits that the
allegation against these petitioners is that the informant's
side was attacked with sharp cutting weapons, namely, *Farsa*,
Garasa and *Dabia* causing head injury on the informant. It is
further submitted that earlier the petitioners were on police
bail which was never misused by them and charge sheet



was submitted under bailable section but the learned court below differing with the final form, has taken cognizance under non-bailable section which has necessitated filing the present bail application. It is further submitted that the Court below did not appreciate the entire facts and circumstances and has rejected the prayer for bail on the premise that the petitioners are now charge sheeted under non-bailable section.

Considering the aforesaid facts and circumstances of the case and that the petitioners have no criminal antecedents, let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Sub Divisional Judicial Magistrate, Sikrahna, Dhaka, East Champaran, Motihari in connection with Trial No. 2141 of 2018 arising out of Dhaka P.S. Case No. 44 of 2016.

(Anjana Mishra, J)

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