

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.18456 of 2018

Arising Out of PS.Case No. -104 Year- 2017 Thana -SIGORI District- PATNA

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1. Md. Mobin Ansari @ Mobin Ansari, S/o Badruddin Ansari,
 2. Md. Kaishar Emam @ Md. Kaishar Alam S/o Md. Jubair Ansari,
 3. Ibbane Ali @ Md. Ibban Ali S/o Nasruddin,
 4. Sundul Ansari S/o Gafur Ansari,

All R/o Village- Makhdumpur, P.S.- Sigori, District- Patna.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Shantanu Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL ORDER

2 06-04-2018 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

The petitioners seek pre-arrest bail in connection with
Sigori P. S. Case No. 104 of 2017 registered under Sections
302/34 of the Indian Penal Code.

It is submitted by the learned counsel for the
petitioners that there is case and counter case. The occurrence of
offence took place owing to land dispute. So far as petitioner nos.
1 and 4 are concerned, they are alleged to have assaulted the
brother of the informant and the informant respectively. So far as



petitioner nos. 2 and 3 are concerned, there is no allegation against them that they participated in commission of the offence in which the father of the informant died. However, their name has been given because after the alleged offence took place when the victim was being taken to hospital they obstructed the way. It is further submitted that co-accused Mazhrul Haque, who is identically situated to that of petitioner nos. 2 and 3, has already been granted pre-arrest bail by a co-ordinate Bench of this Court vide order dated 17.02.2018 passed in Cr. Misc. No. 3399 of 2018.

On the other hand, learned Additional Public Prosecutor for the State submitted that it is true that there is case and counter case, but the petitioner nos. 1 and 4 had actively participated in the main offence and so far as petitioner nos. 2 and 3 are concerned, they also appeared subsequently and obstructed the way when the victim was being taken to hospital for treatment. He, however, conceded that the case of petitioner nos. 2 and 3 stands on identical footing to that of Mazhrul Haque, who has already been granted pre-arrest bail by this Court.

Having regard to the submissions made on behalf of the parties, in the event of arrest or surrender before the court below within six weeks from today, petitioner nos. 2 and 3, namely, Md. Kaishar Emam @ Md. Kaishar Alam and Ibbane Ali



@ Md. Ibban Ali are directed to be released on bail on furnishing bail bond of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned ACJM-V, Danapur, District- Patna in Sigori P. S. Case No. 104 of 2017, subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

So far as petitioner nos. 1 and 4, namely, Md. Mobin Ansari @ Mobin Ansari and Sundul Ansari are concerned, I am not inclined to grant them pre-arrest bail. Accordingly, their application for grant of pre-arrest bail is rejected. In case they surrender and seek bail, the same shall be considered on its own merit without being prejudiced in any manner by this order.

(Ashwani Kumar Singh, J.)

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