

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27212 of 2018

Arising Out of PS.Case No. -224 Year- 2017 Thana -DHURAIYA District- BANKA

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Amzad Ansari @ Amazd Ansari, son of Jiyaul Ansari, Resident of Village Kurma, Police Station Dhoraiya, District- Banka.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ranjeet Kumar Das No.- 2

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

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

02/ 04-05-2018

Learned counsel for the petitioner is

permitted to make necessary correction in the petition.

Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner is apprehending his arrest in a case registered for the offences punishable under Sections 323, 324, 325, 341, 307, 354, 427, 504 and 506/34 of the Indian Penal Code.

The prosecution case as per the written report of Md. Umar Farooque dated 27.10.2017 submitted to the Station House Officer, Dhoraiya P.S. is to the effect that on 27.10.2017 at 8.00 A.M. the informant went to his father's place for giving his share in the property, the father refused to give



share, in the meantime, the younger brother of the informant, Nesar Ansari, the petitioner Amzad Ansari, Wakila Khatoon and Jiul Ansari started abusing the informant. On protest being made, all the four accused persons assaulted the informant by lathi, danda, fists and slaps. On alarm being raised, the informant's brother Minsar, Naushad came to rescue, then they were also assaulted. The petitioner Amzad Ansari assaulted with lathi on the head of Minsar, as a result, he fell unconscious and thereafter Nesar and Amzad came armed with country made pistol and they scattered all the articles of the house.

It is submitted by learned counsel for the petitioner that since the informant was misbehaving with the old parents, hence, the petitioner went to save the parents and as a result the accusation of assault has been levelled. The mother of petitioner has also filed Complaint Case No. 1494 of 2017 with regard to the scuffle of 27.10.2017 against the informant side levelling accusation under Sections 323, 324, 354B, 380 and 504 of the Indian Penal Code. During scuffle the informant fell down and received accidental injury. The injury has not been found grievous. A statement has been made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP, however, submits that the



specific accusation of assault has been levelled against the petitioner.

Considering the accusation in the background of share dispute between the brothers and father, let the above named petitioner 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) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-IV, Banka in connection with Dhoraiya P.S. Case No. 224 of 2017, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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