

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.57854 of 2017

Arising Out of PS.Case No. -137 Year- 2017 Thana -HUSAINGANJ District- SIWAN

- =====
1. Ali Imam @ Nanhe Ansari.
 2. Tunnu Ansari. null null
 3. Chhote Ansari @ Chhotu Ansari. Nos. 1 to 3 are sons of Jahiruddin Ansari @ Md. Jahiruddin. Resident of Village- Bindusar, Police Station Siwan Muffasil, (Mahadewa O.P.), District Siwan.
 4. Ish Mohammad, son of Shah Mohammad Shah, Resident of Village- Hakam, P.S.- Siwan Mufassil (Mahadewa O.P.), District- Siwan.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Yogendra Prasad Sinha

For the Opposite Party/s : Mr. Sri Ahtash Ali Khan

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 31-01-2018 Heard learned counsel for the petitioners and the State.

The petitioners apprehend arrest in Hussainganj P.S. Case No. 137 of 2017 instituted for the offence under Section-313 of the Indian Penal Code.

It is alleged in the complaint that on the date of occurrence, all the petitioners came on Bolero Vehicle at the parental house of the complainant and threatened her to withdraw the complaint case. The family members of the complainant made request to keep the complainant with full dignity. In course of discussion, the accused persons became violent and petitioner No. 1 assaulted the complainant with leg on her stomach and other accused persons also assaulted her with leg and petitioner Nos. 2 to 4 also assaulted the complainant with



leg on stomach and other parts of her body. Thereafter they fled away.

The complainant has enclosed medical report of Bombay Diagnosis Centre with the complaint petition which has also taken note by learned Sessions Judge in the impugned order and the doctor has opined missed abortion.

From perusal of the complaint petition itself, this court finds that there is specific allegation against petitioner No. 1 of assaulting the complainant who is husband of the complainant.

In such circumstances, this court is not inclined to grant anticipatory bail to petitioner No. 1. Accordingly, prayer for anticipatory bail of petitioner No. 1 stands rejected.

So far as petitioner Nos. 2 to 4 is concerned; there is general and omnibus allegation against them.

In such circumstances, prayer for anticipatory bail is allowed and it is ordered that the petitioner Nos. 2 to 4 named above in the event of their arrest or surrender in the court below within six weeks from the date of receipt/production of copy of this order, shall be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each in connection with in Hussainganj P.S. Case No. 137 of 2017 to the satisfaction of learned Chief Judicial Magistrate, Siwan subject to condition as laid down u/S 438(2) of the Cr.P.C. with further conditions (1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioner Nos. 2 to 4 shall cooperate in the trial



and shall be present on each and every date fixed by the court and absence on two consecutive dates without proper and reasonable reason, will automatically cancel bail bond of the petitioners Nos. 2 to 4 and (3) if petitioner Nos. 2 to 4 tamper with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner Nos. 2 to 4 .

(Sanjay Priya, J)

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