

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.59155 of 2017

Arising Out of PS.Case No. -349 Year- 2016 Thana -MEERGANJ District- GOPALGANJ

- =====
1. Kaishar Khan @ Khaishar Alam Khan @ Tamanna Khan, Son of Late Samiullah Khan alias Late Shamullah,
 2. Mumtaz Ansari, Son of Late Mulazim Ansari alias late Malazim Mian,
 3. Navi Ahmad alias Navi Ahmad, Son of Amin Ansari, All are of resident of Village- Sawareji, Police Station- Mirganj, District- Gopalganj.

.... Petitioner/s

Versus

1. The State of Bihar.

... Opposite Party/s

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Appearance:

For the Petitioner/s : Mr. Lokesh Kumar Singh

For the Opposite Party/s : Mr. Bisheshwar Ram

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

6 30-01-2018 Heard the learned counsel for the petitioners and the learned A.P.P. for the State.

This is an application for grant of anticipatory bail in connection with Mirganj P.S. Case No. 349 of 2016 registered for the offence punishable under Sections 147, 341, 323, 324, 308, 379 and 504 of the Indian Penal Code.

The allegation is regarding the petitioners and other co-accused persons assaulting the prosecution side resulting in injury to them. It is alleged that the accused persons had also snatched gold chain.

The learned senior counsel for the petitioners at the outset submits that on account of miscommunication with the family members of the accused persons, an incorrect statement was made in paragraph-3 of the present petition to the effect that the



petitioners do not have any criminal history. However, the same has been amended after the learned counsel for the informant has pointed out about the cases pending against the petitioner no. 1 by filing a counter affidavit and an unqualified apology has been tendered as well as reason has been furnished in the rejoinder affidavit as to under what circumstances the paragraph no. 3 was incorrectly stated. The learned senior counsel further submits that the case diary would bear it out that all the injuries are simple in nature and animosity amongst the parties are on account of land dispute. It is further submitted that as far as the petitioners no. 2 and 3 are concerned, they have a clean antecedent.

The learned counsel for the informant has vehemently opposed the prayer for bail and has submitted that, primarily he has objection to grant of anticipatory bail to the petitioner no. 1 on the ground that his criminal antecedent has not been furnished in the petition.

I have heard the learned counsel for the parties and I find that the incorrect statement made in paragraph no. 3 regarding the petitioner no. 1 has been properly explained in the rejoinder affidavit and I accept the unqualified apology tendered by the deponent in the rejoinder affidavit filed before this Court. I further find that the injuries inflicted on the person of the prosecution side are simple in nature, however, it appears that



some overt act had taken place between the parties, hence I deem it fit and proper to admit the petitioners herein to the privilege of anticipatory bail, in the event of their arrest or surrender before the court below within a period of six weeks from the date of receipt/production of a copy of this order, however, on furnishing bail bond of Rs. 1,00,000/- (rupees one lakh) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-XVI, Gopalganj in connection with Mirganj P.S. Case No. 349 of 2016 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

It is further directed that the petitioners would appear before the concerned court on each and every date fixed and in case of defaults on two occasions without sufficient cause, the present privilege of anticipatory bail would be cancelled automatically and the petitioners would be taken into custody forthwith.

(Mohit Kumar Shah, J)

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