

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.15817 of 2018

Arising Out of PS.Case No. -195 Year- 2017 Thana -BAIRIYA District-
WESTCHAMPARAN(BETTIAH)

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1. HAFIZ @ HANIF ANSARI @ MD.HAFIZ ANSARI @ HAFEEZ @
HANEEF ANSRI, Son of Late Double Ansari,
2. Badruddin Ansari @ Basruddin Ansari, Son of Late Double Ansari,
3. Shamida Khatoon, Wife of Nasruddin Ansari, All residents of Village-
Miyapur, Tilangahi, Naya Basti, P.S.- Bairya, District- West Champaran.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Santosh Kumar Singh

For the Opposite Party/s : Mr. Sri Ajay Kumar Jha

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 19-06-2018 The petitioners are apprehending their arrest in connection with Bairiya P.S. Case No. 195 of 2017, registered for offences punishable under Sections 341, 323, 324, 447, 307, 504 and 34 of the Indian Penal Code.

Allegation against the petitioner no. 1 is of assault to the informant by means of *farsa* on his head and allegation against the petitioner no. 2 is of assault on the head of brother of informant Shahabuddin Ansari and petitioner no. 3 is also named in the F.I.R.

It has been submitted on behalf of the petitioners that that though there is allegation of assault by *farsa*, however, no injury



caused by sharp cutting weapon has been found rather the injuries has been found to be caused by hard and blunt substance and further no specific allegation has been attributed to petitioner no. 3.

Learned counsel for the State as well as learned counsel for the informant opposed the prayer for bail on the ground that he injuries caused to the informant and his brother was found to be grievous in nature.

Having heard both sides, considering the facts and circumstances of the case, so far petitioner no. 3, namely, Shamida Khatoon is concerned, she is lady and no specific allegation has been attributed to her, as such, let the petitioner no. 3, namely, Shamida Khatoon, in the event of her 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, be enlarged on bail on furnishing bond of Rs. 25,000 (Rs. Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bettiah, in connection with Bairiya P.S. Case No. 195 of 2017, subject to the conditions as laid down under Section 438(2) of the Cr.P.C, as well as subject to the following conditions, it is further subject to the condition that:-

- (i) One of the bailors of the petitioner shall be a



local person having sufficient immovable property within the jurisdiction of the concerned Court.

So far petitioner nos. 1 and 2 are concerned, considering the fact that there is specific allegation against them that they assaulted the informant and his brother causing injuries to them, I am not inclined to grant the privilege of anticipatory bail to petitioner nos. 1 and 2 rather they should surrender before the court below and pray for regular bail and if any such application is filed, the same will be considered on the merit of the case.

With the above direction and observation, this application is disposed of.

(Vinod Kumar Sinha, J)

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