

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.70677 of 2018

Arising Out of PS. Case No.-177 Year-2017 Thana- BANMANKHI District- Purnia

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1. MD. MATAU ANSARI @ MD. MANTOO ANSARI Son of Late- Suddi Ansari
 2. Md. Safo Ansari @ Safo Ansari Son of Late- Suddi Ansari
 3. Md. Rajun Ansari @ Md. Rajun Son of Late- Salim Ansari
 4. Md. Sahban Alam @ Sahban Alam Son of Md. Rajun Ansari
 5. Shailan Alam @ Sehan Alam Son of Md. Rajun Ansari
 6. Md. Musa Ansari @ Musa Son of Late- Yushuf Ansari
 7. Md. Mithu Alam @ Mitthu Alam Son of Md. Musa Ansari
 8. Md. Masiha Ansari @ Masiha Ansari Son of Mansaddik Ansari
 9. Md. Hasib Ansari @ Hasib Son of Late Nayeem Ansari
 10. Md. Aadil Ansari @ Adil Alam Son of Md. Hasib Ansari
 11. Aadil Ansari @ Adil Ansari Son of Md. Salim Ansari, All resident of Village- Dharhara, P.S.- Banmankhi, District- Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amit Kumar Anand
For the Opposite Party/s : Mr. Dinesh Singh

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 17-12-2018 Heard learned counsels for the parties.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 147,148,149,341,323,324,307,436,379,504 and 448 of the IPC and Section 27 of the Arms Act.

The prosecution case as per the written report of Md. Tahsid Alam submitted to the SHO, Banmankhi Police Station is to the effect that on 27.7.2017 at 1 A.M., 16 named accused persons and 8-10 unknown, including the petitioners, came variously armed



and set the informant's hut on fire with an intention to burn the informant alive. When the informant's mother tried to escape from the house then the accused persons brutally assaulted her. The accused persons also assaulted the informant. They also resorted to fire but it was ineffective. When Mohsin Alam and Wasim came to rescue the informant and his mother, they were also assaulted. The accused persons also robbed the jewellery worth Rupees Two Lakhs and Fifteen Thousand Rupees in cash.

It is submitted by learned counsel for the petitioners that the accusation is omnibus and general. It is further submitted that prior to the lodging of the present case, the petitioners lodged Banmankhi P.S. Case No. 183 of 2016 against the informant side and hence, as a retaliatory measure, the present case has been lodged. The impugned order suggests that three persons received injury but it does not suggest that any grievous injury was caused to any one. Statement has been made in paragraph 3 of the petition that the petitioners are not having any criminal antecedent. Similarly situated co-accused have been granted anticipatory bail vide Cr. Misc. No. 65069 of 2018.

Considering the accusation being omnibus and general and the case lodged by the petitioners side being at earlier in point of time, let the petitioners above named be released on



anticipatory bail in the event of arrest or surrender within 12 weeks on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned ACJM I, Purnea in connection with Banmankhi P.S. Case No. 177 of 2017 subject to the conditions laid down in Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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