

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.63956 of 2018

Arising Out of PS. Case No.-208 Year-2016 Thana- JOGAPATTI District- West Champaran

1. Sobarati Mian @ Sobarati Ansari S/o late Makdun Mian
2. Nesar Ansari S/o Sobarati Mian@ Sobarati Ansari
3. Arman Ansari S/o Allouddin Ansari
4. Hasantara Khatoon W/o Tufani Ansari
5. Shakil Ansari@ Sakil Mian S/o late Makdun Ansari
6. Jahid Ansari S/o late Islam Mian All Resident of Village- Dihi Dhabelwa, P.S. Yogapatti, District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar

For the Opposite Party/s : Mr. Bal Mukund Prasad Sinha

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 13-12-2018 Heard the learned counsel for the petitioners and the State.

The petitioners seek bail in anticipation of their arrest in connection with Yogapatti P.S. Case No. 208 of 2016 dated 04.08.2016 instituted for the offences under Sections 147, 148, 149, 323, 324, 308, 504, 506 and 447 of the Indian Penal Code.

It has been alleged in the F.I.R. that while the informant was getting a hut situated over his private land repaired, the petitioners and others came and started



assaulting the informant and his associates. It has been stated that petitioner no. 4 gave a farsa blow on the head of the nephew of the informant, namely, Sharukh Ansari. When Abdula Ansari and Sallauddin Ansari came for his rescue, they too were assaulted by the accused persons. One Jahid Ansari (petitioner no. 6) is said to have given an iron rod blow on the head of the informant. With the arrival of the villagers and neighbours, the accused persons ran away.

Learned counsel for the petitioners has submitted that there is a long standing land dispute between the parties and prior to the present case, petitioner no. 6 had instituted a case vide Bettiah Town P.S. Case No. 605 of 2015 against the informant and others for having collusively and fraudulently brought into existence a sale-deed, by virtue of which the informant of the present case is staking his claim over the land in question.

It has further been submitted that all the petitioners are related to each other and even the informant hails from the same village. The injuries suffered by all other victims are simple in nature. The injuries suffered by



Shahrukh Ansari, nephew of the informant, which is attributable to petitioner no. 4, namely, Hasantara Khatoon is on the head. However, at the time when the injury report was prepared, the opinion regarding the nature of injury could not be given and was sent for an expert opinion.

In any view of the matter, learned counsel for the petitioner has submitted that the aforesaid Hasantara Khatoon (petitioner no. 4) has not repeated her blow. It has therefore been urged that because of land dispute, the petitioners have been made accused in this case. There is a case against the informant and others of creating document in an unauthorized/illegal manner for staking their claim over the land of the petitioners and there was no intention of the petitioners to cause death or grievous hurt to any one of the accused persons.

Considering the aforesaid facts as also taking into account that prior to the present case, the petitioners were made accused in one case of similar nature at the instance of the informant side only, they are directed to be released on bail, in the event of their arrest or surrender before the



court below within a period of four weeks from the date of receipt / production of a copy of this order, on their furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Bettiah, West Champara in connection with Yogapatti P. S. Case No. 208 of 2016 (Tr. No. 4018 of 2018), subject to the conditions as laid down under Section 438 (2) Cr.P.C.

(Ashutosh Kumar, J)

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