

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16143 of 2019

Arising Out of PS. Case No.-107 Year-2018 Thana- PAHARPUR District- East Champaran

Kashim Ansari @ Kasim Ansari, Son of Sadik Ansari @ Darik Ansari
Resident of Village-Bankat, Narkatiya, P.S.- Paharpur, District - East
Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dhurendra Kumar

For the Opposite Party/s : Mr.Ashraf Ansari

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 15-03-2019 Heard learned counsels for the petitioner and the
State.

The petitioner is apprehending arrest in a case registered
for the offences punishable under Sections 341, 323, 324, 307,
354, 379, 504 and 506/34 of the IPC.

The prosecution case, as per the written report of Manager
Ansari, dated 07.05.2018, submitted to the Station House
Officer, Paharpur Police Station, is to the effect that on
05.05.2018 at about 6.30 A.M., the informant was sitting near
his door, when all the 5 F.I.R. named accused persons including
the petitioner came variously armed when the petitioner
assaulted the informant with sword causing cut injury on his
head and when the son of the informant came to rescue him then



he was also assaulted by co-accused Harun Ansari with iron rod causing cut injury on his head, whereas co-accused Munni Khatoon and Khushlasa Khatoon snatched a gold chain from the wife of the informant and on the order of co-accused Sadik Ansari, the petitioner tore the clothes of the wife of the informant.

It is submitted by learned counsel for the petitioner that the injuries of the informants' side have been found superficial simple in nature. There is no accusation of repeating blow against the petitioner and there is counter version of the occurrence also, being Paharpur P.S. Case No. 108 of 2018, lodged by the petitioner's side against the informant's side. It is further submitted that for the alleged occurrence of 05.05.2018, the FIR has been lodged on 07.05.2018, which reached to the Court of learned C.J.M., on 10.05.2018, which suggests that by antedating, the F.I.R. has been registered. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP submits that the petitioner is named in the FIR with specific accusation.

Considering the delayed lodging of the F.I.R. and delayed reaching of the same to the Court of learned C.J.M. and



the fact that there is no accusation of repeating blow against the petitioner, coupled with the statement made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent, let the above named petitioner be released on anticipatory bail in the event of arrest/surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, East Champaran at Motihari in connection with Paharpur P.S. Case No. 107 of 2018, subject to the condition as laid down under Section 438(2) of the Cr. P.C.

(Dinesh Kumar Singh, J)

Amrendra/-

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