

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35309 of 2019

Arising Out of PS. Case No.-78 Year-2019 Thana- HUSSAINGANJ District- Siwan

1. ZABED ANSARI Son of Majid Ansari Resident of Village - Aranda Tola, Nawada, P.S.- M.H. Nagar, Distt - Siwan.
2. Naimullah Son of Khalil @ Latkapilsheikh Resident of Village - Aranda Tola, Nawada, P.S.- M.H. Nagar, Distt - Siwan.
3. Sadique Ansari Son of Late Rafique Ansari Resident of Village - Aranda Tola, Nawada, P.S.- M.H. Nagar, Distt - Siwan.
4. Naushad Ansari Son of Late Rafique Ansari Resident of Village - Aranda Tola, Nawada, P.S.- M.H. Nagar, Distt - Siwan.
5. Shamim Ansari Son of Mahid Ansari @ Mohid Ansari Resident of Village - Aranda Tola, Nawada, P.S.- M.H. Nagar, Distt - Siwan.
6. Washim Sheikh @ Wasim Akhtar Son of Imamuddin @ Imamuddin Sheikh Resident of Village - Aranda Tola, Nawada, P.S.- M.H. Nagar, Distt - Siwan.
7. Majid Ansari @ Abdul Majid Son of Late Shahid Ansari Resident of Village - Aranda Tola, Nawada, P.S.- M.H. Nagar, Distt - Siwan.
8. Ajij Ansari @ Mohammad AJij Son of Late Shahid Ansari Resident of Village - Aranda Tola, Nawada, P.S.- M.H. Nagar, Distt - Siwan.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 03-06-2019 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners have preferred this application for anticipatory bail apprehending their arrest in connection with Hussainganj (M.H. Nagar) P.S. Case No. 78 of 2019, registered for the offences punishable under Sections 147, 341, 323, 307,



447, 448, 436, 427, 379,354, 504 and 506 of the Indian Penal Code.

The allegations as per the FIR is that the accused persons variously armed with lathi, hockey stick etc. came and started assaulting and abusing the informant and others. It is further alleged that petitioner no. 2, namely, Naimullah assaulted the informant's husband with pistol on his face as a result of which he fell down bruised.

It is submitted by learned counsel for the petitioners that there is admitted land dispute between the parties. The instant case is counterblast of Hussainganj (M.H. Nagar) P.S. Case No. 77 of 2019 and from the allegations made in the FIR, no case under Section 307 or Section 436 of the Indian Penal Code is made out. Attention is further drawn to the order of the learned court below, from perusal of which it transpires that there is no injury report in the case diary and no burnt article was recovered from the alleged place of occurrence.

In view of the allegations made in the FIR, I am not inclined to grant anticipatory bail to petitioner no. 2, namely Naimullah and, as such, his application for anticipatory bail stands rejected. He is directed to surrender in the court below within a period of six weeks and seek regular bail and the court



below shall consider his bail application on its own merit without being prejudiced in any manner by the order of this Court.

In view of the facts and circumstances stated hereinabove, as also the fact that neither any injury report nor any burnt article was recovered, the remaining petitioners i.e. petitioner nos. 1, 3, 4, 5, 6, 7 and 8 are directed to surrender in the court below within a period of six weeks from today and in the event of their arrest or surrender, they shall be enlarged on bail on each of them furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Siwan in connection with Hussainganj (M.H. Nagar) P.S. Case No. 78 of 2019, subject to the condition as laid down under Section 438(2) of the Cr.P.C

(Partha Sarthy, J)

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