

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62830 of 2019

Arising Out of PS. Case No.-500 Year-2018 Thana- KOILWAR District- Bhojpur

MD. IRSHAD ANSARI @ MD. CHAND MIYAN Son of Late Md. Musa
Resident of Mohalla- Suraudha Colony, Koilwar, P.S.- Koilwar in the District
of Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sunil Kumar

For the Opposite Party/s : Mr.Pradeep Narain Kumar

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 22-10-2019 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises
out of Koilwar Police Station Case No. 500 of 2018, disclosing
offences under Sections 341/323/504/506/307/34 of the Indian
Penal Code.

The allegation against the petitioner is that the
petitioner along with others arrived at the house of the informant
and started carrying bamboos from her house. It has further
been alleged that upon protest by the informant, the petitioner
and others assaulted the informant and her son.

Learned Counsel for the petitioner submits that both
the parties are co-sharers and there is previous dispute between



them. He further submits that the police investigated the case and on completion of investigation, submitted charge sheet against the accused persons only under minor and bailable section i.e. Sections 341/323/504/506/34 of the Indian Penal Code. However, differing with the police report, the learned Court below has taken cognizance against the accused persons under Sections 307 of the Indian Penal Code also. He, referring to the injury reports, submits that the injuries sustained by the victims are found to be simple in nature. He further submits that similarly situated co-accused persons have been granted anticipatory bail by this Court by order, dated 26.03.2019, passed in Criminal Misc. No. 16674 of 2019.

Having regard to the submissions made on behalf of the parties and taking into consideration the fact that both the parties are close relatives, injuries sustained by the victims are found to be simple in nature and similarly situated co-accused persons have been granted anticipatory bail by this Court, I am inclined to grant the petitioner privilege of anticipatory bail.

This application is, accordingly, allowed.

Let the petitioner, above named, in the event of his arrest or surrender before the Court below within four weeks, be released on bail on 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, Bhojpur, at Ara, in connection with Koilwar Police Station Case No. 500 of 2018, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

Prabhakar Anand/-

(Anil Kumar Sinha, J.)

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