

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66137 of 2019

Arising Out of PS. Case No.-227 Year-2019 Thana- MAHARAJGANJ District- Siwan

1. Afzal, Son of Wahid Miya Resident of Village - Deoria, P.S.- Maharajganj, Distt.- Siwan.
2. Abbas Ansari @ Md. Abbas Son of Wahid Miya Resident of Village - Deoria, P.S.- Maharajganj, Distt.- Siwan.
3. Meraj Ansari Son of Hasabuddin Ansari Resident of Village - Deoria, P.S.- Maharajganj, Distt.- Siwan.
4. Sahrukh Ansari @ Shahrukh Ansari @ Sharul Ansari Son of Afjal Resident of Village - Deoria, P.S.- Maharajganj, Distt.- Siwan.
5. Babar Hussain @ Babar Ali Son of Abbas Ansari Resident of Village - Deoria, P.S.- Maharajganj, Distt.- Siwan.
6. Md. Mustaque Alam @ Md. Mustak Alam @ Bhola Ansari Son of Abbas Ansari Resident of Village - Deoria, P.S.- Maharajganj, Distt.- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar

For the Opposite Party/s : Mr.Dilip Kumar No. 1

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 25-10-2019 Heard learned counsel for the petitioners and learned counsel appearing on behalf of the State.

Learned counsel for the petitioners seeks permission to withdraw this application against petitioner No.5. Permission is granted.

Accordingly, this application is dismissed as withdrawn against petitioner No.5

Petitioner No.1, 2, 3, 4 and 6 apprehend their arrest in



connection with Maharajganj P.S. Case No.227 of 2019, for the offence punishable under Sections 147, 148, 149, 323, 324, 307, 452, 504, 506 of the Indian Penal Code.

The allegation against the petitioners is that petitioners along with other accused persons arrived at the residence of the informant and co-accused Hassabbudin Ansari assaulted the informant by means of sword on his head and Firoz Ansari stabbed the nephew of the informant by means of Barchi and Babar Hussain, i.e., petitioner No.5, assaulted the nephew of the informant by means of sword on his head. The allegation against other accused persons including the petitioners that they assaulted by means of lathi, danda etc.

Learned counsel appearing for the petitioners submits that both the parties are co-sharer and there is case and counter case between them inasmuch as Maharajganj P.S. Cse No.224 of 2019 has been lodged by the side of the petitioner against the side of the prosecution. Learned counsel further submits that the side of the petitioner have also received injuries and allegation of assault is against Hassabbudin Ansari, Firoz Ansari and Babar Ansari and no specific allegation of assault is upon petitioner No.1, 2, 3, 4 and 6.

After having heard learned counsel for the petitioners



as well as learned counsel appearing on behalf of the State and taking into consideration the fact that both the parties are co-sharer and there is case and counter case between them and the allegation against the petitioners are general and omnibus in nature, I am inclined to grant anticipatory bail to Petitioner No.1, 2, 3, 4 and 6.

Accordingly, Petitioner No.1, 2, 3, 4 and 6, above named, are directed to surrender before the learned Court below within a period of four weeks from today and in the event of surrender by them, they shall be released on anticipatory bail by the Court below upon furnishing bail bond of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Siwan, subject to the condition as mentioned under Section 438 (2) of Cr.P.C.

(Anil Kumar Sinha, J)

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