

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7654 of 2020

Arising Out of PS. Case No.-1576 Year-2017 Thana- SASARAM MUFFSIL District- Rohtas

1. GUL MOHAMMAD ANSARI Son of Late Rasid Ansari Resident of Village - Patiya, P.S. - Sasaram (M), District - Rohtas.
2. Manjur Ansari Son of Inayat Ansari Resident of Village - Patiya, P.S. - Sasaram (M), District - Rohtas.
3. Kalamu Ansari Son of Halim Ansari Resident of Village - Patiya, P.S. - Sasaram (M), District - Rohtas.
4. Manauwar Ansari Son of Leyakat Ansari Resident of Village - Patiya, P.S. - Sasaram (M), District - Rohtas.
5. Saddam Ansari Son of Manjoor Ansari Resident of Village - Patiya, P.S. - Sasaram (M), District - Rohtas.
6. Sipahi Ansari Son of Kitabuddin Ansari Resident of Village - Patiya, P.S. - Sasaram (M), District - Rohtas.
7. Firoz Ansari @ Md. Firoz Ansari Son of Nagalu Ansari Resident of Village - Patiya, P.S. - Sasaram (M), District - Rohtas.
8. Sahid Ansari Son of Najabu Ansari Resident of Village - Patiya, P.S. - Sasaram (M), District - Rohtas.
9. Samsul Ansari Son of Dilwar Ansari Resident of Village - Patiya, P.S. - Sasaram (M), District - Rohtas.
10. Jafir Ansari Son of Mansoor Ansari Resident of Village - Patiya, P.S. - Sasaram (M), District - Rohtas.
11. Sakil Ansari Son of Manjoor Ansari Resident of Village - Patiya, P.S. - Sasaram (M), District - Rohtas.
12. Jabbar Ansari Son of Late Gariba Ansari Resident of Village - Patiya, P.S. - Sasaram (M), District - Rohtas.
13. Ismail Ansari Son of Manuawar Ansari Resident of Village - Patiya, P.S. - Sasaram (M), District - Rohtas.
14. Sher Mohammad Ansari Subham Ansari Resident of Village - Patiya, P.S. - Sasaram (M), District - Rohtas.
15. Juman Ansari Son of Asik Ansari Resident of Village - Patiya, P.S. - Sasaram (M), District - Rohtas.
16. Guddu Ansari Son of Mahauj Ansari Resident of Village - Patiya, P.S. - Sasaram (M), District - Rohtas.
17. Asfeque Ansari Son of Kitabuddin Ansari Resident of Village - Patiya, P.S. - Sasaram (M), District - Rohtas.
18. Nezam Ansari @ Haji Md. Nezam Ansari Son of udhal Ansari Resident of Village - Patiya, P.S. - Sasaram (M), District - Rohtas.
19. Yusuf Ansari Son of Gulbaa Ansari Resident of Village - Patiya, P.S. - Sasaram (M), District - Rohtas.
20. Rahman Ansari Son of Rasul Ansari Resident of Village - Patiya, P.S. -



Sasaram (M), District - Rohtas.

21. Sulaman Ansari @ Md. Suleman Ansari Son of Rasul Ansari Resident of Village - Patiya, P.S. - Sasaram (M), District - Rohtas.
22. Najabuddin Ansari Son of Oliddin Ansari Resident of Village - Patiya, P.S. - Sasaram (M), District - Rohtas.
23. Mannat Ansari Son of Najabuddin Ansari Resident of Village - Patiya, P.S. - Sasaram (M), District - Rohtas.
24. Sattar Ansari Son of Gariba Ansari Resident of Village - Patiya, P.S. - Sasaram (M), District - Rohtas.

... .. Petitioners

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Sanjay Sinha, Advocate
For the Opposite Party/s : Mr.Md. Anbzarul Haque Sahara, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 09-07-2020

As of now the Courts have not resumed normal physical hearing, the matter has been listed today for consideration through Video Conferencing.

The learned counsels are appearing and making submissions from their residence. The Court Master and Secretary are also part of this virtual court proceedings from their homes, all with the aid of audio visual technology.

Heard learned Counsel for the petitioners and the learned Counsel for the State.

Petitioners apprehend arrest in Sasaram (M) PS Case No. 1576 of 2017 registered under Sections 147, 337, 504, 506, 448, 505 (C) and 148 of the IPC.

As per prosecution story the informant was digging ghat for Chhath festival and members of another community objected and have indulged in stone pelting and abused the informant. The allegation is that the occurrence took place on 24.10.2017.

Learned Counsel for the petitioners submits that falsity of the allegation is evident from the fact that the information has been given four days after the occurrence on 28.10.2017, registered with the Police Station on 29.10.2017, however the FIR has been received



in the court on 1.11.2017. It is submitted that one of the petitioners namely Rahman Ansari had earlier lodged a case against the informant and so the informant has filed this case as a counter blast. The case is based on strenuous consideration for asserting illegal possession over certain land. The informant is in habit of disturbing communal harmony. The accused side had lodged a Sanha in the Police Station to this effect on 7.9.2017. Some of the petitioners are old and aged persons and only to terrorise the petitioners the FIR has been lodged. None of the petitioners have any criminal antecedent as per statement made in para 3 of the petition.

Learned APP for the State has opposed the prayer for anticipatory bail.

Having considered the rival submissions this Court is inclined to grant the privilege of anticipatory bail to the petitioners.

Accordingly, let the petitioners above named, in the event of arrest or surrender before the court below within four weeks from today, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of CJM Rohtas Sasaram in Sasaram (M)) PS Case No. 1576 of 2017 subject to all conditions as laid down in Section 438(2) of the Criminal Procedure Code as also the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

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(Madhuresh Prasad, J)

