

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7641 of 2020

Arising Out of PS. Case No.-145 Year-2019 Thana- PARIHAR District- Sitamarhi

1. HABIB ANSARI Son of Najib Ansari Resident of Village-Sutihara, Police Station-Parihar, District-Sitamarhi.
2. Md. Umar Ansari Son of Jabbar Ansari Resident of Village-Sutihara, Police Station-Parihar, District-Sitamarhi.
3. Reyaj Ansari Son of Jabbar Ansari Resident of Village-Sutihara, Police Station-Parihar, District-Sitamarhi.
4. Siraj Ansari Son of Jabbar Ansari Resident of Village-Sutihara, Police Station-Parihar, District-Sitamarhi.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mrs.Madhubala Verma, Advocate
For the Opposite Party/s	:	Mr.Satyavrat Verma, APP
For the Informant	:	Mr. Ashok Kumar Jha, Advocate

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

4 10-09-2020

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 as also the learned Counsel appearing for the informant.

Petitioners apprehend arrest in Parihar PS Case No. 145 of 2019 registered under Sections 341, 323, 324, 379, 307, 504, 506 and 354/34 of the IPC.

The allegation against the petitioners is of assaulting the informant and his sister.

The specific allegation of assault by means of sword on head is attributed to petitioner No. 1 Habib Ansari. The allegation against the other members are of disrobing the informant's



sister as well as assault.

Learned Counsel for the petitioners submits that the allegation of assault by means of sword is not corroborated as the injury is said to be caused by hard blunt substance and is simple in nature as per injury report. Another co-accused has been allowed anticipatory bail in Cr. Misc. No. 72336 of 2019. The petitioners and prosecution party are agnates and there is a case and counter case.

Learned Counsel for the informant submits that against petitioner No. 1 there is antecedent of Parihar PS Case No. 71 of 2013. Learned APP has opposed the prayer for anticipatory bail.

Considering the rival submissions the prayer for anticipatory bail on behalf of petitioner Nos. 2, 3 and 4 is allowed.

Accordingly, let petitioner Nos. 2, 3 and 4, 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 Sitamarhi in Parihar. PS Case No. 145 of 2019 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.

The prayer for bail on behalf of petitioner No. 1 Habib Ansari stands rejected.

(Madhuresh Prasad, J)

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