

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11826 of 2020

Arising Out of PS. Case No.-256 Year-2019 Thana- KOCHAS District- Rohtas

1. Ashfaque Ansari @ Mithu Son of Usman Mian @ Usman Gani Ansari Resident of Village - Kochas, P.S.- Kochas, Distt - Rohtas.
2. Moinuddin Ansari @ Guddu @ Md. Moinuddin Ansari Son of Usman Mian @ Usman Gani Ansari Resident of Village - Kochas, P.S.- Kochas, Distt - Rohtas.
3. Sarfaraz Ansari @ Danish @ Danish Mian Son of Farooque Mian @ Faruk Ansari Resident of Village - Kochas, P.S.- Kochas, Distt - Rohtas.
4. Sartaj Ansari @ Sajid Son of Farooque Mian @ Faruk Ansari Resident of Village - Kochas, P.S.- Kochas, Distt - Rohtas.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.N.A. Samshi, Advocate
For the Opposite Party/s	:	Mr.Ramchandra Sahni, APP
For the informant	:	Mr. Sanjay Kumar Tiwari, Advocate

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 19-06-2020 Heard learned counsel for the petitioners, learned counsel for the State and learned counsel for the informant through video conferencing.

The petitioners have filed the instant application for grant of anticipatory bail apprehending their arrest in connection with Kochas P.S. Case no. 256 of 2019 registered under sections 341, 323, 307, 506 and 34 of the Indian Penal Code.

As per allegation in the FIR, while the construction work of the house of the informant was going on it is stated that Usman Mian, Farooque Mian along with their sons variously armed with lathi, danda and country made revolver came there and started to assault the informant. On the three sons of the informant reaching there they too were assaulted and injured. It



is further stated that Farooque Mian took away Rs. 4800/- from the pocket of the informant and putting the pistol on the informant's head pulled the trigger but the shot misfired. It is further stated that Farooque Mian struck the informant with the butt of the pistol on the informant's head causing injuries.

It is submitted by learned counsel for the petitioners that the petitioners have been falsely implicated in the case as they are residing nearby and there is land dispute between the parties. It is the informant who was making construction on the disputed land. It is further submitted that the allegations are mainly against Usman Mian and Farooque Mian and so far as the petitioners are concerned, although they have been described as sons of Usman Mian and Farooque Mian, but the allegations against them are general and omnibus in nature. Further, referring to the injury reports which have been brought on record as Annexure 2 to the petition, it is submitted that all the injuries in the opinion of the doctor have been found to be simple in nature. The petitioner nos. 2 and 3 are students and none of the petitioners have any criminal antecedent.

The application for bail is opposed by learned counsel for the State and learned counsel for the informant.

It is submitted by learned counsel for the informant that there is complete description of the petitioners in the FIR and from perusal of the same it would transpire that they had actively participated in brutally assaulting the informant and his sons. The counsel for the informant further refers to the injury report to show that as a result of the petitioners and their fathers carrying weight in the area, the injury reports have been managed and the nature has wrongly been shown to be simple.

Learned counsel for the informant further shows various



photographs of injured with bandages around their head to show that the injured had sustained head injuries. It is submitted that it is not a case for grant of anticipatory bail.

Having heard learned counsel for the parties and taking into consideration the allegations as levelled in the FIR, the main allegation being against Farooque Mian, the opinion of the doctor with respect to the nature of injury, the petitioners having no criminal antecedent and the petitioner nos. 2 and 3 being students, the Court is inclined to enlarge the four petitioners on anticipatory bail. The petitioners are directed to surrender in the Court below within a period of eight weeks from today and in the event of their arrest or surrender in connection with Kochas P.S. Case no. 256 of 2019 they will 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 Additional Chief Judicial Magistrate 1st, Rohtas at Sasaram subject to the condition as laid down under section 438(2) of the Cr.P.C.

(Partha Sarthy, J)

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