

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11851 of 2020

Arising Out of PS. Case No.-545 Year-2019 Thana- AMARPUR District- Banka

1. Md. Abbas Ansari Son of Late Rasid Ansari Resident of Village - Chanha Bathan, P.S.- Fullidumar, District- Banka
2. Md. Rustam Ansari Son of Late Rasid Ansari Resident of Village - Chanha Bathan, P.S.- Fullidumar, District- Banka
3. Md. Sohrab Ansari Son of Md. Rustam Ansari Resident of Village - Chanha Bathan, P.S.- Fullidumar, District- Banka
4. Md. Ikramul Ansari Son of Md. Rustam Ansari Resident of Village - Chanha Bathan, P.S.- Fullidumar, District- Banka
5. Md. Sahadat Ansari Son of Md. Rustam Ansari Resident of Village - Chanha Bathan, P.S.- Fullidumar, District- Banka
6. Md. Aabid Ansari Son of Md. Abbas Ansari Resident of Village - Chanha Bathan, P.S.- Fullidumar, District- Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dharendra Kumar, Advocate
For the Opposite Party/s : Ms. Anita Kumari, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 23-06-2020 Heard learned counsel for the petitioners and learned counsel for the State through video conferencing.

The petitioners have filed the instant application for grant of anticipatory bail apprehending their arrest in connection with Amarpur (Fullidumar) P.S. Case no. 545 of 2019 registered under sections 147, 148, 149, 323, 307, 337, 379, 385, 504 and 506 of the Indian Penal Code.

As per allegation in the FIR, over a dispute relating to flow of the drain water, it is stated by the informant that the 14 named accused persons including the six petitioners herein came variously armed and assaulted the informant and others.



It is submitted by learned counsel for the petitioners that the allegations as levelled in the FIR are false and not correct. There is case and counter case between the parties and the correct version is in the counter case lodged by Azhar Ansari as contained in Annexure 2. It is further submitted that the injury reports have been brought on record, from perusal of which it would transpire that the same are simple in nature. Learned counsel for the petitioners submits that Azhar Ansari has been enlarged on regular bail vide order passed in Cr. Misc. no. 575 of 2020 and the other lady co-accused have been enlarged on anticipatory bail vide order passed in Cr. Misc. no. 10920 of 2020. The petitioners have no criminal antecedent.

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

Having heard learned counsel for the parties and having gone through the contents of the petition, it transpires that the petitioner no. 1 Md. Abbas Ansari and petitioner no. 6 Md. Aabid Ansari are stated to have assaulted Kalam Ansari. From perusal of the order of the learned Court below it transpires that the said Md. Kalam Ansari has sustained fracture of parietal bone which is grievous in nature. As such the Court is not inclined to enlarge the petitioner nos. 1 and 6 on anticipatory bail and their application for anticipatory bail stands rejected.

In the facts and circumstances of the case together with the submissions made on behalf of the petitioners, the Court is inclined to enlarge the petitioner no. 2 Md. Rustam Ansari, petitioner no. 3 Md. Sohrab Ansari, petitioner no. 4 Md. Ikramul Ansari and petitioner no. 5 Md. Sahadat Ansari on anticipatory bail. The petitioner nos. 2, 3, 4 and 5 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 Amarpur (Fullidumar) P.S. Case no. 545 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 Chief Judicial Magistrate, Banka subject to the condition as laid down under section 438(2) of the Cr.P.C.

(Partha Sarthy, J)

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