

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13022 of 2020

Arising Out of PS. Case No.-281 Year-2019 Thana- SHEOHAR District- Sheohar

ANSARUL KHAN Son of Md. Abdul Rahman Resident of Village -
Mustafapur, P.S.- Ahiyapur, District- Muzaffarpur. presently resident of
Village - Mathurapur, P.S.- Sheohar, District- Sheohar

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Devendra Kumar, Adv.
For the Opposite Party/s	:	Mr.Surendra Kumar, APP
For the Informant	:	Mr. Prasoon Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 05-06-2020 The present case was heard at length on 02.06.2020
and it has been listed today under the heading “For Orders”.

The petitioner seeks regular bail in connection with
Sheohar P.S. Case No. 281 of 2019 for the offence punishable
under Sections 323, 324, 307, 341, 448/34 and 120(B) of the
Indian Penal Code .

The case of the prosecution in brief is that on
16.12.2019 at about 03:45 A.M. in the morning, the son of the
informant had seen him and thereafter had gone away on
account of the fact that several dogs were barking. It is further
alleged that after 15 minutes of his son leaving the said place,
suddenly some miscreants came there and started assaulting on
his head with sword, resulting in the informant becoming
grievously injured and when the said miscreants were fleeing



away, the informant is stated to have identified his neighbour Ansarul Khan i.e. the petitioner herein. It is also stated in the fardbeyan of the informant that on account of certain disputes with regard to the land with the petitioner, the petitioner has assaulted him with the intention of killing him.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he is languishing in custody since 18.12.2019 and is having a clean antecedent. It is further submitted that the petitioner has been falsely implicated in the present case on account of land dispute in between him and the informant of this case.

The learned counsel for the informant Shri Surendra Kumar has stated that a bare perusal of the injury report prepared by Navjiwan Multi speciality Hospital, Sitamarhi would show that multiple lacerated injuries are present on the person of the informant, which are grievous in nature.

The learned APP appearing for the State has also vehemently opposed the prayer for bail.

I have heard the learned counsel for the parties, perused the materials available on record as also gone through the case diary.

A bare perusal of the case diary shows that the injury



report has been obtained from a private nursing home and not from a Government Health Centre or Hospital, hence the same is required to be proved at the time of trial. It is apparent that a general and omnibus allegation has been levelled against the petitioner herein and there is no allegation of any specific overt act qua the petitioner herein, hence considering the said circumstances as also taking into account the fact that the petitioner is having a clean antecedent and is languishing in custody since about six months, it would be just and equitable to grant benefit of doubt to the petitioner for the purposes of consideration of the prayer of the petitioner for grant of bail. Thus, this Court deems it fit and proper to direct for release of the petitioner on regular bail.

Accordingly, the petitioner, above named, is directed to be released on regular bail on furnishing bail bonds of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Sheohar in connection with Sheohar P.S. Case No. 281 of 2019.

(Mohit Kumar Shah, J)

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