

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16417 of 2020

Arising Out of PS. Case No.-233 Year-2019 Thana- KATORIYA District- Banka

1. Shahid Ansari, Male, aged about 30 years, S/o Manjoor Ansari, Resident of Kathoun, P.S.- Katoria, District- Banka.
2. Saddam Ansari, Male, aged about 23 years, S/o Jibrahil Ansari @ Md. Jibrail Ansari @ Jibrail Ansari, Resident of Kathoun, P.S.- Katoria, District- Banka,

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Praveen Kumar
For the Opposite Party/s : Mr.Mohammed Arif

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

5 04-09-2020 Heard Mr. Praveen Kumar, the learned counsel appearing on behalf of the petitioners and Mr. Mohammed Arif, the learned Additional P.P.

The petitioners seek bail in Katoria P.S. Case No.233 of 2019, registered under Section 395 of the Indian Penal Code.

The informant alleged that a dacoity was committed in his house at about 11.30 P.M. on 19.12.2019. During the course of dacoity, the dacoits also assaulted the informant and others. The informant claimed to identify the petitioners when their mask was removed.

Learned counsel for the petitioners submits that the petitioners are co-villagers of the informant. The informant claimed that a dacoity was committed in his house but from



perusal of para 9 of the case diary, no broken *almirah* was found. The *almirah* was found intact from which the ornaments and money are said to be taken out. It is further submitted that the grandfather and ancestor of the petitioners executed two sale deeds in favour of the informant and others. The informant wanted to purchase the land of the petitioners which is situated adjacent to the purchased land but the petitioners sold the land to one Congress Yadav. It is further submitted that the petitioners also filed petition before the Sarpanch with regard to the dispute of land. The informant and his family members wanted to grab more lands of the petitioners by virtue of the sale deeds. The petitioners were arrested on the next day of the occurrence from their village and this fact itself appears to be abnormal. Had the petitioners participated in the dacoity committed in the house of the informant, who happens to be a villager of the petitioners, the petitioners would not have present in their house on the next day. The petitioners are in jail 21.12.2019. The petitioners have already remained in jail for more than eight months.

The learned Additional P.P. vehemently opposed the prayer for bail and submitted that the injuries of course simple were found on the persons of the informant and his family members. The witnesses have reiterated the facts that dacoity was committed in the house of the informant and the informant



identified the petitioners who had committed dacoity in his house.

Having heard the submissions of both sides and on perusal of the records, it appears that the informant claimed to identify the petitioners, but it appears that the petitioners are co-villagers of the informant and there is a bona fide land dispute between the two sides from before. The petitioners were apprehended on the next day from their house. The petitioners are in jail since 21.12.2019 and have remained in jail for more than eight months.

Considering the facts aforesaid, the petitioners, namely, Shahid Ansari and Saddam Ansari are directed to be enlarged on bail on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned C.J.M., Banka in connection with Katoria P.S. Case No.233 of 2019.

(Prabhat Kumar Jha, J)

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