

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.25476 of 2020**

Arising Out of PS. Case No.-103 Year-2020 Thana- HUSSAINGANJ District- Siwan

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MUNNA ANSARI @ ASHFAQUELLAH ANSARI S/o Ramjan Ansari
Resident of Village-Sadhokhor, P.S.-Hussainganj, District-Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ajay Kumar Pandey

For the Opposite Party/s : Mr.Akhileshwar Dayal, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

3 19-10-2020 Heard learned counsel for the petitioner and Mr.

Akhileshwar Dayal, learned APP for the State.

The petitioner in the present case is seeking regular bail in connection with Hussainganj P.S. Case No.130/2020 registered for the offence under Sections 147, 148, 149, 341, 323, 324, 307, 427 , 504 and 506 of the Indian Penal Code.

Learned counsel for the petitioner submits that in the FIR (Annexure-1) altogether 11 named and 30-40 unnamed persons have been made accused alleging that all of them were lashed with sword, farsa, lathi, danda, bricks and stones. It appears from the allegations in the FIR that this petitioner is said to have assaulted the informant by a sword on his head. The co-accused Arif had given a farsa blow on the right eye side of



informant causing grievous injury to him and it is alleged that all other accused had assaulted the informant and when the other persons namely Shankar Chaudhary, Nand Kishore Yadav and Moti Yadav came to save him they were also assaulted. The dispute seems to have taken place over filling up of the soil on the Chhath Ghat. There is a counter case (Annexure-2) lodged on the same date with respect to the same occurrence in which it is alleged that the informant Immamudin Ansari was returning from Bazar and when he reached near Sadhokhor bridge altogether 26 persons named therein along with some unknown persons lashed with sword, farsa and other weapons attacked upon him causing injury on the head of Immamudin Ansari and then the persons namely, Azmat, Arbaj, Salauddin Nazir and Shahnaz Praveen who came to save him were also assaulted and they got injury.

Learned counsel for the petitioner submits that from the two FIRs it would appear that both the parties had assembled in large numbers on certain dispute and they seems to have indulged in a free fight against each other. Both the sides have attacked the other side causing injuries. So far as the present informant is concerned, altogether six injuries have been noticed on his body by doctor (Annexure-2) and out of six three



injuries have been found simple in nature whereas opinion in respect of three other injuries was kept reserved. Later on these three injuries have been found grievous in nature. So far as the other injured are concerned, they have also suffered simple injuries except Shankar Yadav and Nandkishore Yadav in respect of whom opinion over one of the injuries was kept reserved.

Further submission of learned counsel for the petitioner is that though specific allegation against the petitioner is that he has assaulted on the head but from Annexure-2 no head injury may be noticed and that falsifies the allegation against this petitioner. So far as the injury caused on the eye of the informant is concerned, the same has been specifically attributed to co-accused Arif. It is also pointed out that from the petitioner's side the informant of the counter case and one Salauddin have suffered grievous injury and some others have received injuries on their body but considering that both the parties are co-villagers and that they are looking towards amicable living in the village and the petitioner has remained in custody since 04.05.2020 without there being any other criminal antecedent he may be released on bail.



On the other hand, learned APP for the State has though opposed the prayer for regular bail of the petitioner but considering the facts and circumstances, there is a case and counter case, both the parties are co-villagers and they have fought over some petty issues in the village in which both the sides have caused injuries to each other, otherwise the petitioner has got no criminal antecedent and he has already remained in custody for more than five months, let the petitioner abovenamed be released on bail on furnishing bail bond of Rs.25,000 (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Siwan in connection with Hussainganj P.S. Case No.103/2020, subject to the condition as laid down under Section 437 (3) Cr.P.C. as under:

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such person shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from



disclosing such facts to the Court or to any Police officer or tamper with the evidence.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take steps for cancellation of bail bond of the petitioner.

And further condition that he will abide by and observe the guidelines and directives of the Government of India and the State Government with regard to COVID-19 Pandemic.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

