

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23871 of 2020

Arising Out of PS. Case No.-27 Year-2019 Thana- PARIHAR District- Sitamarhi

1. BANO BEGAM @ BANO KHATOON @ BEGAM BANO W/o Salauddin Ansari Resident of Village-Barahi, P.S.-Parihar, District-Sitamarhi.
2. Neyaj Ansari @ Md. Niyaj Ansari S/o Salauddin Ansari Resident of Village-Barahi, P.S.-Parihar, District-Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Alok Kumar Alok, Adv.

For the Opposite Party/s : Ms. Anita Kumari Singh, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 06-10-2020 The present petition has been taken up for consideration through the mode of Video conferencing in view of the prevailing situation on account of COVID 19 Pandemic, requiring social distancing.

Heard the learned counsel for the petitioners and Ms. Anita Kumari Singh, the learned APP for the State.

This is an application for grant of anticipatory bail in connection with Parihar P.S. Case No. 27 of 2019 registered for the offence punishable under Sections 147, 341, 324, 379, 354 and 504/34 of



the Indian Penal Code.

The case of the prosecution in brief is that the co-accused person, namely, Salauddin Ansari is stated to have taken a sum of Rs. 1,60,000/- from the informant, but he had failed to return the same despite repeated demands made by the informant. It is further alleged that the said Salauddin Ansari was annoyed with the informant on account of repeated demands being made by him, hence, on the alleged date and time of occurrence, he along with his son, Neyaz Ansari i.e the petitioner no. 2 herein as also along with his wife and another son, namely, Bano Khatoon (petitioner no. 1 herein) and Ejaj Ansari, armed with farsa , lathi, danda and rod had come to the courtyard of the informant and assaulted him and his wife. The said co-accused person, namely, Salauddin Ansari is alleged to have assaulted the informant by farsa on his head resulting in him sustaining grievous injury, however, a general and omnibus allegation of assault has been made as against the petitioners herein.



The learned counsel for the petitioners has submitted that the petitioners are innocent, they have been falsely implicated in the present case and they are having a clean antecedent. It is further submitted that the specific allegation of assault resulting in grievous injury to the informant is against Salauddin Ansari and as far as the petitioners are concerned, a general and omnibus allegation has been levelled, as such, they are entitled to be granted the privilege of anticipatory bail.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioners and taking into account the fact that the main allegation of assault is against the co-accused person, namely, Salauddin Ansari resulting in grievous injury being inflicted upon the informant and as far as the petitioners are concerned, a general and omnibus allegation of assault has been levelled, apart from



the fact that they are having a clean antecedent, I deem it fit and proper to admit the petitioners to the privilege of anticipatory bail.

Accordingly, the petitioners are directed to be enlarged on anticipatory bail, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class Sitamarhi in connection with Parihar P.S.Case No. 27 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

Ajay/-

U		T	
---	--	---	--

