

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24396 of 2020

Arising Out of PS. Case No.-459 Year-2018 Thana- SUGAULI District- East Champaran

1. SANAULLAH MIAN @ SANAULLAH ANSARI @ SAINULLAH ANSARI Son of Serajul Ansari @ Serajul Mian @ Sarajul Mian Resident of Village- Mahadev Tola Dhanhi, Sugauli, Ward No. -14, P.S.- Sugauli, District- East Champaran.
2. Harun Mian @ Haroon Ansari Son of Serajul Mian @ Serajul Ansari @ Serajul Mian Resident of Village- Mahadev Tola Dhanhi, Sugauli, Ward No. -14, P.S.- Sugauli, District- East Champaran.
3. Sakina Khatoon @ Shakina Khatoon Wife of Harun Mian @ Haroon Ansari Resident of Village- Mahadev Tola Dhanhi, Sugauli, Ward No. -14, P.S.- Sugauli, District- East Champaran.
4. Ruksana Khatoon @ Rukshana Khatoon Wife of Md. Rijwan Ansari @ Rizwan Mian Resident of Village- Mahadev Tola Dhanhi, Sugauli, Ward No. -14, P.S.- Sugauli, District- East Champaran.
5. Munni Khatoon @ Munni Nesha Wife of Sanaullah Mian @ Sanaullah Ansari @ Sainullah Ansari Resident of Village- Mahadev Tola Dhanhi, Sugauli, Ward No. -14, P.S.- Sugauli, District- East Champaran.
6. Rupaiya Khatoon @ Rukaiya Khatun Wife of Abban Mian @ Abban Ansari Resident of Village- Mahadev Tola Dhanhi, Sugauli, Ward No. -14, P.S.- Sugauli, District- East Champaran.
7. Abada Khatoon Wife of Serajul Mian @ Serajul Ansari @ Serajul Mian Resident of Village- Mahadev Tola Dhanhi, Sugauli, Ward No. -14, P.S.- Sugauli, District- East Champaran.
8. Serajul Mian @ Serajul Ansari @ Serajul Mian @ Serajul Miyan S/o Late Murtuja Mian Resident of Village- Mahadev Tola Dhanhi, Sugauli, Ward No. -14, P.S.- Sugauli, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravi Shankar Sahay, Adv

Mr.Arvind Kumar, Adv.

For the Opposite Party/s : Mr. Nawal Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA

ORAL ORDER

3 07-10-2020 Heard Mr. Ravi Shankar Sahay, learned counsel for the petitioners and Mr. Nawal Kishore Prasad, Additional Public Prosecutor for the state through video conferencing.

2. Petitioners apprehend their arrest in connection with Sugauli PS Case No. 459 of 2018 registered for the offence



punishable under Sections 341, 323, 324, 307, 354(B), 379, 504 and 506/34 of the Indian Penal Code.

3. The allegation against the petitioners, as per FIR, is that the petitioners along with other family members entered into the house of informant and at the instance of petitioner no.8, Serajul Mian, wife of informant was assaulted by Aban Miyan by means of *Farsa* on her head and the son of the informant, Arman was assaulted by Rizwan on his head by means of sword. The allegation against the petitioners and other accused persons are general and omnibus in nature and also outraging the modesty of the family members of the informant.

4. Learned counsel for the petitioners submits that both the parties are next door neighbours. Learned counsel further submits that there is case and counter case between the parties inasmuch as Sugauli PS Case No. 460/2018 has been lodged by the side of the petitioners against the informant and others for the incident which has taken place on the same day and time. Learned counsel further submits that there is no specific allegation of assault against these petitioners rather they have been shown as members of unlawful assembly. Learned counsel for the petitioners next submits that the scuffle between the parties took place on a very trivial issue of calling '*Dain*'



from the side of petitioners.

5. Having regard to the submissions made by the parties and taking into consideration the material on record and the fact that both the parties are next door neighbours and there is case and counter case between them and further, there is no specific allegation of assault against these petitioners, I am inclined to grant anticipatory bail to the petitioners.

6. Accordingly, petitioners, named above, shall be released on anticipatory bail, in the event of arrest or surrender within six weeks, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, East Champaran, Motihari in connection with Sugauli PS Case No. 459 of 2018 (G.R. No. 7886/2018), subject to the conditions as laid down under Section 438(2) CrPC.

7. It is made clear that at the time of furnishing bail bonds all the parties shall follow the guidelines regarding lockdown and social distancing.

(Anil Kumar Sinha, J)

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