

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34028 of 2020

Arising Out of PS. Case No.-192 Year-2020 Thana- BIDUPUR District- Vaishali

1. FARUQUE ANSARI @ FAROOQUE ANSARI Son of Ahmad Ansari
Resident of Village- Mokimchak, P.S.- Bidupur, District- Vaishali
2. Shafique Ansari Son of Ahmad Ansari Resident of Village- Mokimchak,
P.S.- Bidupur, District- Vaishali.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr. Girish Chandra Jha

For the Opposite Party : Mr. Yogendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 22-12-2020 Heard Mr. Girish Chandra Jha, learned counsel appearing on behalf of the petitioner and Mr. Yogendra Kumar Singh, learned Additional Public Prosecutor, for the State of Bihar.

This application for grant of regular bail arises out of Bidupur P.S. Case No.192 of 2020, registered for the offence punishable under Sections 341, 323, 324, 307, 379, 354, 427, 504 and 506/34 of the Indian Penal Code.

The informant has alleged that his hen was stolen away by petitioner No.1 and had been consumed too by him. When then informant went to him in the morning of 30.05.2020 to enquire and complain about it, the petitioners, who are full brothers, threatened him of life. Allegedly, petitioner No.1



brought out a sword and gave a blow in the informant's head and he repeated the blow, which was prevented by the informant and, in that course, he sustained cut injuries in his fingers. There is further allegation that when the informant's wife and son came to his rescue, they were captured by petitioner No.2 and they were also assaulted by accused persons, who were armed with *lathi*, *farsa* etc. There is further allegation against petitioner No.1 of having assaulted the informant's wife and attempted to outrage her modesty.

Learned counsel for the petitioners has submitted that lodging of the present case is the counter blast of an earlier case lodged by the petitioner No.2 against the informant being Bidupur P.S. Case No. 132 of 2020. On the date of occurrence, he has contended, some altercation had taken place between the petitioner's side and the informant's side, during the course of which, the informant, after having accidentally fallen down, had sustained some injuries.

Considering the genesis of occurrence, as is evident from the First Information Report itself, and since the petitioners are in custody since 18.08.2020, this application is allowed.

Let the petitioners, above named, be released 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., Vaishali at Hajipur, in Bidupur P.S. Case No.192 of 2020.

It is directed that the defect(s) in the application, pointed out by the Registry, must be removed within two months.

Since COVID-19 Pandemic situation is prevailing, the Court has considered it appropriate to adopt following procedure for communication of the present order :-

(i) The order, which has been dictated during the course of the proceedings of virtual Court, shall be communicated to me on my e-mail I.D. by the Secretary.

(ii) The corrected copy of the order shall be transmitted by me from my e-mail I.D. to the Secretary, which shall be treated to be the authentic copy of the order passed by this Court today in the present proceeding.

(iii) Hard copy of the order, duly signed by me, shall be preserved in my residential-office for documentation and future use, if any.

(iv) Let a copy of the order be communicated to the learned Court below through e-mail or any other appropriate



electronic mode by the Registry.

Let steps be taken by the Registry for uploading of the present order without compromising with the norms of social distancing.

(Chakradhari Sharan Singh, J)

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