

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 74168 of 2019

Arising Out of PS. Case No.-267 Year-2018 Thana- BAUNSI District- Banka

1. EMTIYAZ ANSARI @ IMTIYAZ ANSARI, son of Hidaitullah Ansari Resident of Village- Dahuwa, P.S.- Bounsi, District- Banka.
2. Estiyak Ansari Son of Hidaitullah Ansari Resident of Village- Dahuwa, P.S.- Bounsi, District- Banka.
3. Firoz Ansari Son of Hidaitullah Ansari Resident of Village- Dahuwa, P.S.- Bounsi, District- Banka.
4. Faiyaz Ansari Son of Habibullah Asari Resident of Village- Dahuwa, P.S.- Bounsi, District- Banka.
5. Sarful Ansari Son of Habitullah Ansari Resident of Village- Dahuwa, P.S.- Bounsi, District- Banka.
6. Imdad Ansari @ Imdah Ansari Son of Habitullah Ansari Resident of Village- Dahuwa, P.S.- Bounsi, District- Banka.
7. Barkat Ansari Son of Imdad Ansari Resident of Village- Dahuwa, P.S.- Bounsi, District- Banka.
8. Akram Ansari Son of Imtiyaz Ansari Resident of Village- Dahuwa, P.S.- Bounsi, District- Banka.
9. Sahruk Ansari @ Shahruc Ansari Son of Faiyaz Ansari Resident of Village- Dahuwa, P.S.- Bounsi, District- Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr Brij Nandan Prasad, Advocate
For the Opposite Party/s : Mr. Rabindra Kumar

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

4 06-01-2020 Heard learned counsel for the petitioners and learned APP
for the State.

Petitioners apprehend their arrest in connection with
Bounsi Police Station (for brevity, *PS*) Case No 267 of 2018
instituted for the offence punishable under Section (s) 341, 323,



327, 504, 506, 330, 384, 452/34 of Indian Penal Code.

The prosecution story is alleging that the petitioners have interfered with the rights of the informant in respect of certain lands. It is alleged that in order to allow ploughing of the field, the petitioners have demanded some ransom and that some of the accused persons have forcibly ploughed the land by the tractor. It is in this process that there is an allegation of assaulting the informant by fists and slaps.

Petitioner's counsel submits that the allegations are predominantly civil in nature. Both parties are asserting their rights in respect of the same land and, as such, the petitioners, having no criminal antecedent and being members of the same family, have been implicated in this case to exert pressure on the accused persons not to carry on their agricultural activities at the lands in question. Referring to the order rejecting the petitioners' anticipatory bail by the Court of Session, it is pointed out that the lands belong to *Sarva Sadharan* and both the informant's side are trespassers.

Considering the aforesaid submissions and the fact that there is no injury report showing any injury having been caused to the informant, prayer of petitioners for grant of anticipatory bail is allowed. In the event of surrender/arrest of the



petitioners, named above, before the Court below, within four (04) weeks from today, they shall be released on bail on each of them furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Banka in connection with Bounsi PS Case No 267 of 2018 subject to the conditions as laid down under Section 438 (2) of Criminal Procedure Code and also the following conditions:-

(i) That one of the bailors will be a close relative of the petitioners who will give an affidavit giving genealogy as to how he is related with the petitioners. The bailor will also undertake to inform the Court if there is any change in the address of the petitioners.

(ii) That the petitioners will be well represented on each date and if they fail to do so on two consecutive dates, their bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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