

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76983 of 2019

Arising Out of PS. Case No.-227 Year-2019 Thana- MAHARAJGANJ District- Siwan

1. Hasabuddin Ansari Son of Late Wahid Miyan Resident of Village- Deoria, P.S.- Maharajganj, District- Siwan
2. Firoz Ansari Son of Afzal Ansari Resident of Village- Deoria, P.S.- Maharajganj, District- Siwan.

... .. Petitioners

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Ashok Kumar

For the Opposite Party/s : Mr.Satyendra Prasad

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 06-03-2020 Heard learned Counsel for the petitioners and the learned APP for the State as also the counsel appearing for the informant.

Petitioners apprehend arrest in Maharajganj PS Case No. 227 of 2019 registered under Sections 147, 148, 149, 323, 324, 307, 452, 504, 506 and 34 IPC.

It is submitted by petitioner's counsel that during pendency of this anticipatory bail application, petitioner No. 2 has been taken into custody. The prayer for anticipatory bail on his behalf has become infructuous.

The same is dismissed as infructuous.

The allegation in the FIR against petitioner No. 1 is of assaulting by sword on the head of the informant.

Learned Counsel for the petitioner No. 1 submits that from perusal of the FIR it is obvious that it is a false implication based on some trivial issue. Sons of the instant informant namely Nausher and Kauser had in fact been implicated in the prosecution arising out of Mahrajganj PS Case No. 224 of 2019 lodged by petitioner No. 2 of the instant bail application and as such petitioners have falsely been



implicated only as a counter blast.

Leaned APP as well as counsel for the informant referring to the case diary submitted that the victims were treated at PMCH. The assault is corroborated by the medical evidence and as such having committed such assault the petitioner No. 1 should not be granted privilege of anticipatory bail.

Considering the rival submissions this Court is not inclined to accept the submission on behalf of the petitioner No. 1. The prayer is rejected.

The petitioner No. 1 would be at liberty to raise these grounds at the time of consideration of his case for regular bail which shall be considered on its merit without being prejudiced by this order.

(Madhuresh Prasad, J)

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