

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85016 of 2019

Arising Out of PS. Case No.-112 Year-2017 Thana- IMAMGANJ District- Gaya

1. Sonu Mian @ Md. Khalid Ansari, aged about 22 years, Male, Son of Md. Yayub @ Ayub Mian, Resident of Village Binaika, P.S. Imamganj, District Gaya.
2. Javed Mian @ Javed Ansari, aged about 28 years, Male, Son of Late Jafrul Bari Mian, Resident of Village Binaika, P.S. Imamganj, District Gaya.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioners	:	Mr. Binod Kumar, Advocate
For the State	:	Mr. Ram Sumiran Rai, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 27-08-2020 Heard learned counsel for the petitioners and Mr. Ram Sumiran Rai, the learned Additional P.P.

The petitioners apprehend their arrest in Imamganj P.S. Case No.112 of 2017, registered under Sections 147, 148, 149, 341, 324, 325, 307, 379 and 348 of the Indian Penal Code and Section 27 of the Arms Act.

The informant named seven persons in the FIR including the two petitioners, Sonu Mian and Javed Mian and alleged that Julu Mian made firing but the shot did not hit the informant and his sons. The accused persons assaulted the informant and his two sons with iron rod, sickle and farsa and left the informant and his two sons on the spot in a very precarious condition.



Learned counsel for the petitioners submits that the petitioners are of course named in the FIR but the informant did not make any specific allegation of assault against the petitioners. The informant in his further statement made specific allegation of assault against other accused persons. The eye witnesses also made specific allegation against other accused persons but no specific allegation is made against the petitioners. The Investigating Officer considering this fact submitted final form finding the accusation false against the petitioners but the learned court below took cognizance against the petitioners also.

The learned Additional P.P. vehemently opposed the prayer for anticipatory bail and submitted that all the accused persons are alleged to have assaulted the informant and his two sons.

It appears from the records that of course the informant and his two sons got grievous injuries but the informant in his *fardbeyan* did not make any specific allegation of assault against the petitioners and any other accused persons. The informant in his further statement made specific allegation of assault against other accused persons. Other witnesses also named other accused persons but did not make allegation of assault against the petitioners. On such, the police submitted final form finding the accusation false against the petitioners.



Taking into consideration the facts aforesaid, let petitioners, above named, in the event of their arrest or surrender before the court below within a period of six weeks from the date of receipt of the order, be enlarged 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 S.D.J.M., Sherghati, Gaya in connection with Imamganj P.S. Case No.112 of 2017, subject to the conditions laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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