

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84011 of 2019

Arising Out of PS. Case No.-105 Year-2019 Thana- BISHWAMBHARPUR District-
Gopalganj

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1. SHAUKAT ALI @ SAUKAT ALI S/o Late Jumarati Mian R/o Village-
Siswa, P.S.- Bishambharpur, District- Gopalganj.
 2. Ayub Ansari S/o Shaukat Ali @ Saukat Ali R/o Village- Siswa, P.S.-
Bishambharpur, District- Gopalganj.
 3. Deel Mohammad @ Deeran Mohammad @ Dil Mahammad S/o Jalil Mian
R/o Village- Siswa, P.S.- Bishambharpur, District- Gopalganj.
 4. Kasim Ansari @ Kasim S/o Late Thag Mian R/o Village- Siswa, P.S.-
Bishambharpur, District- Gopalganj.
 5. Aash Mohammad @ Aas Mohamad @ Aas Mohamad Ansari S/o Late Thag
Mian R/o Village- Siswa, P.S.- Bishambharpur, District- Gopalganj.
 6. Jalil Ansari @ Jalil S/o Late Md. Ali R/o Village- Siswa, P.S.-
Bishambharpur, District- Gopalganj.
 7. Shahid Raja @ Saheb Raja @ Sahid Rajja S/o Kasim Ansari R/o Village-
Siswa, P.S.- Bishambharpur, District- Gopalganj.
 8. Manjoor Ansari @ Manjoor S/o Late Nabi Mohamad R/o Village- Siswa,
P.S.- Bishambharpur, District- Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Javed Aslam

For the Opposite Party/s : Mr.Rana Randhir Singh

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

4 17-06-2020 The learned counsel for the petitioners submits that
petitioner No.5, Aash Mohmmad @ Aas Mohamad @ Aas
Mohamad Ansari and petitioner No.6, Jalil Ansari @ Jalil have
already been arrested and he may be permitted to withdraw the
petition for anticipatory bail of petitioner No.5 and 6.

Prayer is allowed.

The anticipatory bail petition of petitioners No.5 and
6 is dismissed as withdrawn.



Heard both sides.

The matter has been taken up through video conferencing.

The petitioners No. 1. Shaukat Ali @ Saukat Ali, 2. Ayub Ansari, 3. Deel Mohammad @ Deeran Mohammad @ Dil Mohammad, 4. Kasim Ansari, 7. Shahid Raja @ Saheb Raja @ Sahid Rajja and 8. Manjoor Ansari @ Manjoor apprehend their arrest in Bishambharpur P.S. case No. 105/ 2019 registered under Section 147, 148, 341, 323, 324, 325, 307, 504 of the IPC.

Najbun Nisha, the informant, in sum and substance, alleged that on the eve of Moharram at 10 in the night she along with other family members were singing song. Her neighbour Saukat Ali has encroached the road and in the night tied cow and goat on the road for which some altercation took place. The petitioners are alleged to have assaulted the informant and her other family members with sword and other weapons.

The learned counsel for the petitioners submits that there is counter version being Bishambharpur P.S. case No. 104/2019 which was registered on the fard bayan of Jaitun Nisha. Altogether 17 persons are named in the FIR that they all assaulted Jaitun Nisha and her family members. Now the case has been compromised and compromise petition has also been filed. It is further submitted that of course the injured got many injuries, including three fracture injuries, but the same are on non vital part of the body, that is, hand and finger. Since the matter has been compromised and good sense prevailed between the parties the petitioners deserve anticipatory bail.

The learned APP however opposed the prayer for anticipatory bail.

Perused the FIR and the case diary.



It appears that petitioners are alleged to have indiscriminately assaulted the informant and her family members with sword and Lathi. The informant and her family members got many injuries. Three persons got grievous injuries on account of fracture of their hand and finger. The informant and her family members got sharp cut injury on their body.

Taking into consideration the facts aforesaid, I am not inclined to enlarge the petitioners on anticipatory bail. Accordingly, the same is rejected.

If the petitioners surrender in the court below, the learned court below shall consider the prayer for regular bail of the petitioners on merit without being prejudiced from the order of this court.

(Prabhat Kumar Jha, J)

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