

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.39021 of 2020

**Arising out of P.S. Case No. 57, year- 2020, Thana Basantpur, District
Siwan**

1. Jallaluddin Ansari, Male, aged about 45 years.

2. Gyasuddin Ansari aged about 47 years (male)

Both sons of Islam Ansari

3. Saddam Hussain, aged about 25 years (Male)

4. Ankit Hussain alias Atiq Hussain, aged about 20 years, male.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opp. Party/s

Appearance :

For the Petitioner/s : Mr. Rabindra Nath Dubey, Adv.

For the Opp. Party/s : Mr. Brajendra Nath Pandey, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH

ORAL ORDER

2 01-06-2021

The present petition has been taken up for consideration through the mode of Video conferencing in view of the prevailing lock-down on account of COVID 19 Pandemic, requiring social distancing.

Heard the learned counsel for the petitioner and Mr. Brajendra Nath Pandey, the learned APP appearing for the State.



apprehend their arrest in

connection with Basantpur P.S. Case No. 57 of 2020 for the offence punishable under Sections 341, 323, 354, 354C, 379, 504, 506/34 of the Indian Penal Code.

The allegation is regarding the petitioners having formed unlawful assembly and having tried to dismantle the Asbestos roof of the Bathan (sitting place) of the informant and when the informant had objected, the petitioners had assaulted her.

The learned counsel for the petitioners has submitted that the petitioners are innocent, have been falsely implicated in the present case and are having a clean antecedent. The learned counsel for the petitioners has further submitted that the land in question is a disputed piece of land inasmuch as a title suit bearing Title Suit No. 641 of 2017 is pending before the learned Civil Court at Siwan, hence the present F.I.R. has been lodged by the informant with oblique motives. It is further submitted that there is no injury report on record to suggest that the petitioners had assaulted and caused any injury on the persons of the informant, however, it is submitted that the petitioners are ready to abide by such conditions as may be deemed fit and proper to be imposed for the purposes of grant of anticipatory ba¹



Per contra, the learned APP appearing for the State, Shri Brajendra Nath Pandey, has vehemently opposed the prayer for anticipatory bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the Ld. Counsel for the parties as also taking into account the materials available on record and considering the fact that there is no injury report on record to substantiate the factum of the informant having been assaulted by the petitioners, apart from the fact that the land in question is apparently a disputed land, with regard to which a title suit is pending before the learned Civil court at Siwan and the petitioners are having a clean antecedent, I deem it fit and proper to admit the petitioners to the privilege of anticipatory bail.

Accordingly, in the event of arrest or surrender before the learned court below within a period of four weeks from today, the petitioners, above-named, shall be enlarged on anticipatory bail on furnishing bail bonds of Rs. 10,000/- each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Siwan in connection with Basantpur P.S. Case No. 57 of 2020, subject to the conditions laid down under section 438(2) of the Cr. P. C.



Before parting, this Court grants liberty to the informant of this case to approach this Court for cancellation of the privilege of anticipatory bail being extended to the petitioners herein, in case the petitioners engage in any untoward incident, henceforth, qua the informant.

(Mohit Kumar Shah, J)

Tiwary/-

