

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4421 of 2021**

Arising Out of PS. Case No.-287 Year-2019 Thana- SAHPUR District- Bhojpur

1. Kasim Mansuri @ Md. Kasim Mansuri, age- 55 yrs (male) S/o- Late Madhu Mansuri,
2. Md. Jubrail Mansuri @ Md. Zibrail Mansuri, age- 48 yrs (male), S/o- Late Sultan Mansuri,
3. Gyasuddin Mansuri @ Md. Gyasuddin Mansuri, age- 22 yrs (male), S/o Late Sultan Mansuri,
4. Firoz Mansuri @ Md. Firoz Mansuri, age- 35 yrs (male), S/o- Late Sultan Mansuri,
5. Md. Aslam Mansuri, age- 42 yrs (male), S/o- Late Sultan Mansuri,
All resident of village- Ranisagar, P.S.- Shahpur, District- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md. Ataul Haque, Advocate
For the Opposite Party/s : Mr. Jharkhandi Upadhyay, APP

**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT**

Date : 23-07-2021

The matter has been heard *via* video conferencing.

2. Heard Mr. Md. Ataul Haque, learned counsel for the petitioners and Mr. Jharkhandi Upadhyay, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State.

3. The petitioners apprehend arrest in connection with Shahpur PS Case No. 287 of 2019 dated 24.10.2019, instituted under Sections 341, 323, 337, 354-B, 307, 504 and 506/34 of the Indian Penal Code.



4. The allegation against the petitioners is of assault on the informant and other relatives and also of tearing her clothes and snatching of nose ring, ear tops and other ornaments.

5. Learned counsel for the petitioners submitted that they have been falsely implicated and the incident occurred with regard to dispute of erection of an electric pole on 22.10.2019 at 1:00 PM for which the petitioner no. 1 has lodged Shahpur PS Case No. 286 of 2019 on 24.10.2019 under Sections 341, 323, 307, 504 and 506/34 of the Indian Penal Code against the informant and her family members and the present case has been filed after that by way of a defence for the same incident. It was submitted that the petitioners' side has received grievous injury whereas, in the instant case, there is no specific allegation against the petitioners and all injuries are simple caused by hard and blunt substance.

6. Earlier, the Court had called for up-to-date legible photocopy of the entire case diaries of Sahpur PS Case No. 287 of 2019, i.e., the present case as well as the connected case i.e., Sahpur PS Case No. 286 of 2019, which also relates to the same incident.

7. Learned APP, from the case diaries, submitted that



in the present case, the injuries are simple except for fracture on the toe of victim Priyanka. It was submitted that both the cases relate to the same incident and there has been injury suffered on both the sides and all are simple in nature except for aforesaid injury on Priyanka in the present case.

8. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioners be released on bail upon furnishing bail bonds of Rs. 25,000/- (twenty five thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate, 1st, Ara, Bhojpur, in Shahpur PS Case No. 287 of 2019, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973 and further (i) that one of the bailors shall be a close relative of the petitioners, (ii) that the petitioners and the bailors shall execute bond and give undertaking with regard to good behaviour of the petitioners, and (iii) that they shall cooperate with the Court and the police/prosecution. Any violation of the terms and conditions of the bonds or undertaking or failure to cooperate shall lead to cancellation of their bail bonds.



9. It shall also be open for the prosecution to bring any violation of the foregoing conditions of bail by the petitioners, to the notice of the Court concerned, which shall take immediate action on the same after giving opportunity of hearing to the petitioners.

10. The petition stands disposed off in the aforementioned terms.

(Ahsanuddin Amanullah, J)

J. Alam/-

AFR/NAFR	
U	
T	

