

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4739 of 2021**

Arising Out of PS. Case No.-196 Year-2020 Thana- DHAKA District- East Champaran

1. Meraj Ansari @ Meraj Alam, aged about 22 years (Male), son of Sagir Ansari.
 2. Devendra Mahto @ Devendra Kumar Mehta, aged about 24 years (Male), son of Puneet Mahto.
Both resident of Village- Ramji Dubey Tola, P.S. - Dhaka, District – East Champaran
- Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Mohammad Sufyan, Advocate
For the State	:	Mr. Md. Arif, APP

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

Date : 05-10-2021

Heard Mr. Mohammad Sufyan, learned counsel for the petitioners and Mr. Md. Arif, learned Additional Public Prosecutor (hereinafter referred to as the ‘APP’) for the State.

2. The petitioners apprehend arrest in connection with Dhaka PS Case No. 196 of 2020 dated 31.05.2020, instituted under Sections 341, 323, 324, 307, 379, 506/34 of the Indian Penal Code.

3. The allegation against the petitioners and others is of assault by various arms including knife and specifically against the petitioner no. 1 that he had inflicted knife blow on the son of the informant, whereas, against the petitioner no. 2, it



is stated that he was holding the son of the informant while others were stabbing him by knife and further snatching of Rs.12,000/- from the pocket of the informant.

4. Learned counsel for the petitioners submitted that a totally false and fabricated case has been lodged for the reason that the informant has dispute with co-accused, Md. Rahmatullah, and the petitioners had participated in the *panchayati* in support of Md. Rahmatullah due to which they have been falsely implicated. Learned counsel drew the attention of the Court to Annexure-2, which is the copy of the injury report of the son of the informant which discloses only one lacerated wound on the head and the knee but the X-ray found no bone injury and has been classified as simple in nature. Further, it was submitted that the incident is said to have taken place on 30.05.2020 at 7.00 PM, but the FIR has been lodged on 31.05.2020 at 3.00 PM. Learned counsel submitted that there has been no injury caused on the informant as no such report is available on record. Further, it was submitted that the petitioners have no other criminal antecedent.

5. Learned APP submitted that as per the allegation, the petitioner no. 1 has given knife blow and the petitioner no. 2 has held the victim and also snatched Rs.12,000/-. However, in



view of the injury report, it was not controverted that the allegation in the FIR is not corroborated by the injury report.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in view of the allegation in the FIR not corroborated by the injury report, no injury report of the informant and the petitioners having clean antecedent, the Court is inclined to allow their prayer for pre-arrest bail.

7. Accordingly, 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 Sub-Divisional Judicial Magistrate, Sikarhana at Dhaka, in Dhaka PS Case No. 196 of 2020, 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 the petitioners 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.

8. It shall also be open for the prosecution to bring any violation of the foregoing conditions 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.

9. The petition stands disposed of in the aforementioned terms.

(Ahsanuddin Amanullah, J)

J. Alam/-

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