

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5036 of 2021

Arising Out of PS. Case No.-169 Year-2020 Thana- KATORIYA District- Banka

1. MUKHTAR MIAN @ MUKHTAR ANSARI Son of Late Eman Mian Resident of Village- Dolebhanga, P.S.- Katoria, District- Banka.
2. Jabbar Mian @ Jabbar Ansari Son of Late Eman Mian Resident of Village- Dolebhanga, P.S.- Katoria, District- Banka.
3. Kalim Mian @ Md. Kalim Mian Son of Late Eman Mian Resident of Village- Dolebhanga, P.S.- Katoria, District- Banka.
4. Nazim Mian @ Nazim Ansari Son of Akhtar Mian Resident of Village- Dolebhanga, P.S.- Katoria, District- Banka.
5. Abbas Mian Son of Akhtar Mian Resident of Village- Dolebhanga, P.S.- Katoria, District- Banka.
6. Futiza Bibi Wife of Nazim Mian @ Nazim Ansari Resident of Village- Dolebhanga, P.S.- Katoria, District- Banka.
7. Ejun Bibi Wife of Mukhtar Mian @ Mukhtar Ansari Resident of Village- Dolebhanga, P.S.- Katoria, District- Banka.
8. Astan Mian @ Hasnain Mian Son of Mukhtar Mian @ Mukhtar Ansari Resident of Village- Dolebhanga, P.S.- Katoria, District- Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr Satish Chandra Mishra

For the Opposite Party/s : Mr.APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 10-09-2021 Heard Mr. Satish Chandra Mishra, learned counsel
for the petitioners and the learned APP for the State.

Mr. Mishra, learned counsel for the petitioners
seeks permission to withdraw the petition with respect to the
petitioner no. 3, who has been arrested during the pendency
of this petition.



The application with respect to the petitioner no. 3/Kalim Mian @ Md. Kalim Mian is dismissed as having become infructuous.

The petitioner nos. 1, 2 and 4 to 8 seek bail in anticipation of their arrest in connection with Katoria / Katoriya P.S. Case No. 169 of 2020 instituted for the offences under Sections 341, 323, 504, 506, 324, 307 and 34 of the Indian Penal Code.

The accusation in the F.I.R is of the petitioners arriving at the house of the informant because of a land dispute and assaulting the members of the prosecution party. So far as the specific act of assault on the informant is concerned, it has been attributed to Jabbar Mian @ Jabbar Ansari, who is petitioner no. 2 in this application.

It has been submitted that with respect to other petitioners, the accusation is general and omnibus.

There is counter version of the occurrence also, lodged by the father of the petitioner nos. 4 and 5 against the informant and others vide Katoria P.S. Case No. 168 of 2020.



Persons from both sides have received injuries.

Considering the afore-stated facts and taking into account that the petitioner no. 2 is specifically alleged to have assaulted the informant by means of a sharp cutting weapon on his head, I am not inclined to grant anticipatory bail to him.

The prayer for anticipatory bail of the petitioner no. 2/Jabbar Mian @ Jabbar Ansari is rejected.

However, since no specific accusation has been levelled against the petitioner no. 1/ Mukhtar Mian @ Mukhtar Ansari, petitioner no. 4/ Nzaim Mian @ Nazim Ansari, petitioner no. 5/ Abbas Mian, petitioner no. 6/ Futiza Bibi, petitioner no. 7/ Ejun Bibi and the petitioner no. 8/ Astan Mian @ Hasnain Mian and that there is counter version of the occurrence also in which the persons from the side of the petitioners have also been injured, they are directed to be released on bail, in the event of their arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on furnishing bail bonds of Rs. 10,000/- (Rupees Ten



Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Banka, in connection with Katoria / Katoriya P.S. Case No. 169 of 2020, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Ashutosh Kumar, J)

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