

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5397 of 2022

Arising Out of PS. Case No.-231 Year-2021 Thana- SUGAULI District- East Champaran

1. Nasirullah Ansari Son Of Asamuddin Ansari Resident Of Village- Uttari Bucha, P.S.- Sugauli, District- East Champaran At Motihari,
2. Tabrej Ansari @ Chulai Son Of Jamaluddin Ansari Resident Of Village- Uttari Bucha, P.S.- Sugauli, District- East Champaran At Motihari,
3. Tajmullah @ Madu S/O Amamuddin Ansari Resident Of Village- Uttari Bucha, P.S.- Sugauli, District- East Champaran At Motihari,
4. Husnain Ansari Son Of Mojahir Ansari Resident Of Village- Uttari Bucha, P.S.- Sugauli, District- East Champaran At Motihari,
5. Ali Ansari Son Of Husnain Ansari Resident Of Village- Uttari Bucha, P.S.- Sugauli, District- East Champaran At Motihari,
6. Sadare Alam Son Of Husnain Ansari Resident Of Village- Uttari Bucha, P.S.- Sugauli, District- East Champaran At Motihari,
7. Parvej Ansari Son Of Hasmuiddin Ansari @ Dasmuddin Ansari Resident Of Village- Uttari Bucha, P.S.- Sugauli, District- East Champaran At Motihari,
8. Jamaluddin Ansari S/O Paigambar Ansari Resident Of Village- Uttari Bucha, P.S.- Sugauli, District- East Champaran At Motihari,
9. Sahabuddin Ansari S/O Hasamuddin Ansari Resident Of Village- Uttari Bucha, P.S.- Sugauli, District- East Champaran At Motihari,

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Zainul Abedin
For the Opposite Party/s : Mr. Nawal Kishore Prasad

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 22-08-2022 Heard learned counsel for the petitioners and the learned APP for the State.

The petitioners seek bail in anticipation of their arrest in a case registered for the offences punishable under Sections 147, 148, 149, 341, 323, 307, 504 and 506 of the Indian Penal



Code and Section 27 of the Arms Act.

The learned counsel for the petitioners submits that petitioners are persons with clean antecedent and the informant alleges that on 01.06.2021 at 5.45 A.M. the named accused persons including the petitioners came armed with unlicensed gun and rifle and fired at Matiullah Ansari causing injury in his stomach. It is next alleged that informant saw Hussain Ansari, Jamaluddin Ansari and Sadare Alam carrying a rifle. Thereafter, the injured was brought to the Rahmania Hospital for treatment.

The learned counsel for the petitioners submits that the petitioners have been falsely implicated in the present case. It is next submitted that from bare perusal of the F.I.R., it would manifest that the same based on written application of the informant. It is thus submitted that if the injured had sustained gunshot injury and was admitted in Rahmania Hospital, then why hospital did not inform the police, this amply demonstrates that the case has been made out to falsely implicate the petitioners with general and omnibus allegation of carrying gun as the F.I.R. does not disclose who fired causing injury. The learned counsel next submits that nephew and cousin of the alleged injured are doctors in Rahmania Hospital, as such, they manipulated the injury report. The learned counsel submits that



if the injured would have received gunshot injury, then the hospital was mandatorily obliged to inform the police, but though it is alleged that the injured was treated at Rahmania Hospital, but the present F.I.R. is based not on fard-bayan recorded by the police, but on an application submitted by the informant. The learned counsel submits that from the side of the petitioners also, Sugauli P. S. Case No.241 of 2021 was instituted and the parties are neighbour and having land dispute and similarly situated co-accused Noor Alam @ Nur Alam and Bhola Ansari have been granted bail by order dated 21.07.2022 in Cr. Misc. No.67199 of 2021 and Nabirasul Ansari and three others have been granted bail by order dated 27.07.2022 in Cr. Misc. No.70263 of 2021.

The learned Additional Public Prosecutor opposes the anticipatory bail application.

Considering the submissions made by the learned counsel for the petitioners, the petitioners, above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, are directed to be released on bail on their furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Court below



where the case is pending in connection with Sugauli P. S. Case
No.231 of 2021, subject to the conditions laid down under
Section 438(2) of the Cr.P.C.

The application stands allowed.

(Satyavrat Verma, J)

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