

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6238 of 2022

Arising Out of PS. Case No.-210 Year-2019 Thana- GURUA District- Gaya

1. Aftab Ansari @ Mahtab Alam @ Md. Aftab Ansari, Son Of Rashid Miyan Resident Of Village- Bela, P.S. Gurua, District- Gaya
2. Hamid Ansari @ Abdul Hamid Ansari, Son Of Kasim Miyan Resident Of Village- Bela, P.S. Gurua, District- Gaya
3. Chand Miyan @ Akbar Ansari @ Md. Akbar Ansari, Son Of Anwar Miyan @ Md. Anwar Ansari Resident Of Village- Bela, P.S. Gurua, District- Gaya

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md. Javed Jafar Khan
For the Opposite Party/s : Mr. Prem Kumar Jha

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 23-08-2022 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, 323, 325, 307, 379 and 506 of the Indian Penal Code.

The learned counsel for the petitioners submits that the petitioners have antecedent of one case and the informant alleges that he along with Baijanti Kumari and Rubi Kumari had gone to village Bela looking for Rashmi Devi, who had taken loan of Rs.60,000/- from his company. Further, on reaching



Bela, the accused persons assaulted them on the pretext that they were thieves causing injury to Baijanti Devi and when police came, unknown accused damaged the police vehicle also.

The learned counsel for the petitioners submits that the petitioners have been falsely implicated in the present case. It is next submitted that as far as antecedent of the petitioners are concerned, they were persons with clean antecedent prior to the present occurrence and they came to be implicated in Gurua P. S. Case No.211 of 2019, which was instituted by the police with respect to the same occurrence. The learned counsel next submits that admittedly, the informant and the petitioners were not known to each other and when the informant along with Baijanti Kumari and Rubi Kumari entered the village, the villagers thought that it was a group of kidnappers, who used to kidnap young children from village, which was rampant at that point of time. It is next submitted that under the confusion and misunderstanding the occurrence took place. It is next submitted that even from perusal of the allegation as alleged in the F.I.R., it would manifest that the allegations relating to assault is general and omnibus in nature. It is further submitted that even the police vehicle, which is alleged to have been damaged for that the aforesaid Gurua P. S. Case No.211 of 2019 has been



instituted against unknown persons. The learned counsel next submits that even injury suffered by the injured is simple in nature and one of the injuries of one of the injured on elbow with regard to that, the opinion is reserved, but then the said injury is non-vital part of the body.

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 Gurua P. S. Case No.210 of 2019, 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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