

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19383 of 2021

Arising Out of PS. Case No.-103 Year-2020 Thana- HUSSAINGANJ District- Siwan

1. KHALIL ANSARI @ KHALIL AHMAD Son of Jainul Abedin Ansari @ Kadam Ansari Resident of Village - Sadhokhor, P.S.- Hussainganj, Distt.- Siwan.
2. ISTAKHAR ANSARI Son of Khalil Ansari Resident of Village - Sadhokhor, P.S.- Hussainganj, Distt.- Siwan.
3. INJAMAM ANSARI @ IMAM ANSARI Son of Khalil Ansari Resident of Village - Sadhokhor, P.S.- Hussainganj, Distt.- Siwan.
4. REHAN ANSARI Son of Allauddin Ansari Resident of Village - Sadhokhor, P.S.- Hussainganj, Distt.- Siwan.
5. MD. AZAD HUSSAIN @ AJAD ANSARI Son of Ali Hussain Ansari Resident of Village - Sadhokhor, P.S.- Hussainganj, Distt.- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Pandey, Advocate.
For the Opposite Party/s : Mr.APP.

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 11-01-2022 Heard Mr. Ajay Kumar Pandey, learned Advocate for the petitioners and learned Additional Public Prosecutor for the State.

The petitioners seek bail in anticipation of their arrest in connection with Hussainganj P. S. Case No. 103 of 2020 instituted for the offences under Sections 147, 148, 149, 341, 323, 160, 324, 307, 427, 504 and 506 of the Indian Penal Code.

The Petitioners and others are said to have arrived at the house of the informant and assaulted him and his rescuers.



Munna Ansari and Aarif are specifically alleged to have assaulted the informant on his head and eye. When Shankar Chaudhary, Nand Kishore Yadav and Moti Yadav came to his rescue, all the accused persons including the petitioners assaulted them.

The Learned counsel for the petitioners has submitted that Shankar Chaudhary, Nand Kishore Yadav and Moti Yadav have received injuries, most of which, except a few have been found to be simple in nature. The injuries received by Shankar Chaudhary and Moti Chaudhary are in the nature of tenderness and swelling on chest and forehead respectively. The nature of such injuries have not been assessed for want of further medical investigation.

Learned counsel for the petitioners has further submitted that so far as they are concerned, the accusation against them is general and omnibus in nature with respect to assaulting the rescuers of the informant. Few of the injuries suffered by the victims which have been sent for further investigation for assessing its nature are only in the nature of tenderness and swelling, which in all its probability would not be life threatening or dangerous.

There is a counter version of the occurrence lodged by



one of the accused persons of this case. Persons from the side of the petitioners also have received injuries in the transaction.

The parties are related to each other and there is a pending land dispute between them.

Regard being had to the facts afore-stated, the petitioners are directed to be released on bail, in the event of their arrest or surrender before the learned Court below within a period of four weeks from the date of receipt/production of a copy of this order, on their furnishing bail bonds in the sum of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned CJM, Siwan in connection with Hussainganj P.S. Case No. 103 of 2020, subject to the condition as laid down under Section 438 (2) Cr. P.C.

The application stands allowed.

(Ashutosh Kumar, J)

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