

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9365 of 2022

Arising Out of PS. Case No.-669 Year-2021 Thana- TURKAULIYA District- East
Champaran

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1. Neyazul Ansari Son Of Late Sahadat Ansari R/O Village- Vhela Chapra,
P.S.- Turkaulia, District- East Champaran
 2. Mantajir Ansari Son Of Late Sahadat Ansari R/O Village- Vhela Chapra,
P.S.- Turkaulia, District- East Champaran

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Gopal Govind Mishra

For the Opposite Party/s : Mr.Syed Ehteshamuddin

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA

ORAL ORDER

2 27-07-2022 Heard learned counsel for the petitioners and learned
APP for the State.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioners seek bail in connection with Turkauliya P.S. Case No. 669 of 2021 registered for the alleged offences under Sections 341, 323, 302, 326 and 34 of the Indian Penal Code.

As per prosecution case, the petitioners along with other co-accused persons called out the husband of the informant from his house and tried to drag him to their house. On saying of co-accused Hefajul Ansari, co-accused Mansur Ansari gave a knife



blow in the abdomen of husband of the informant taking out his intestine. Petitioner Neyazul also gave knife blow in the left hand of the husband of the informant. The husband of the informant died while being taken to the hospital.

Learned counsel for the petitioners submits that the petitioners are innocent. Land dispute is admitted in the FIR and for this reasons, the petitioners have been falsely implicated in this case. The petitioners and the informant are co-sharer of the property and there is long standing dispute between them. Even on the facts of the FIR, it is clear that allegations are not specific against this petitioners as petitioner no. 1 is stated to have caused injury on left hand of the husband of the informant but injury report does not show any such injury. There is no specific allegation against the petitioner no. 2. Moreover, the allegation is that of giving knife blow on the left hand which is not a vital part and fatal injury was caused by the co-accused Mansur and not by the petitioners. Learned counsel further submits that charge sheet has been submitted in this case and the petitioners are in custody since 27.08.2021.

Learned APP for the State opposes the prayer for bail submitting that the petitioners and other co-accused persons assaulted the husband of the informant causing his death.

Having regard to the submissions made hereinabove



and considering that allegations against the petitioners are not serious as allegation against this petitioner no. 2 is general and non specific whereas allegation against petitioner no. 1 is of giving knife blow on the left hand of the husband of the informant which is not a vital part and further considering the fact of submission of charge sheet and period of custody of the petitioners, the petitioners above named are directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Motihari, East Champaran in connection with Tirkauliya P.S. Case No. 669 of 2021, subject to the following conditions :

- (i) One of the bailors will be a close relative of the petitioners.
- (ii) The petitioners will remain present on each and every date fixed by the court below.
- (iii) In case of absence for three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioners will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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