

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25436 of 2022

Arising Out of PS. Case No.-360 Year-2020 Thana- SHIVSAGAR District- Rohtas

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RUSTAM ANSARI S/o Rashid Ansari R/o Village- Biyarbandh, P.S.-
Shivsagar, District- Rohtas.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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with
CRIMINAL MISCELLANEOUS No. 25998 of 2022

Arising Out of PS. Case No.-360 Year-2020 Thana- SHIVSAGAR District- Rohtas

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ANWARUL HAQUE S/o Ali Mohammad Ansari R/o village- Biyarbandh,
P.S.- Shivsagar, District- Rohtas

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

(In CRIMINAL MISCELLANEOUS No. 25436 of 2022)

For the Petitioner/s : Mr.Binod Murari Mishra, Advocate

For the Opposite Party/s : Mr. Bharat Lal, APP

(In CRIMINAL MISCELLANEOUS No. 25998 of 2022)

For the Petitioner/s : Mr.Binod Murari Mishra, Advocate

For the Opposite Party/s : Mr. Bharat Lal, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 11-08-2022 Heard learned counsel for the petitioners and

learned counsel for the State.

Let the defect(s), if any, as pointed out by the office

be removed within four weeks.

The petitioners are in judicial custody in connection

with Shivsagar P.S. Case No. 360 of 2020 for the offences under

Sections 341, 323, 324, 379 and 34 of the Indian Penal Code



later on Sections 307 and 302 of the Indian Penal Code was added.

The allegation in the FIR is that on 22.11.2020, the accused persons barged into the house of the informant and started assaulting the informant and also committed theft of Rs. 20,000/- in cash, a golden chain and other articles. The further allegation is that all the 12 accused persons gave 'garasa' blow on his head which resulted into injury and the informant was unconscious and thereafter his son took him to the hospital for treatment. The injured person, namely, Md. Unis Ansari gave the *fardbeyan* which resulted into the lodging of the FIR. The said informant subsequently succumbed to the injuries

Learned counsel for both the petitioners submits that a bare perusal of the FIR shows that omnibus allegation of single 'garasa' has been attributed to altogether 12 accused persons and as such in absence of any specific allegation, the petitioners herein are entitled for bail. It has further been submitted that they are in custody since 27.10.2021 and have no criminal antecedents.

Taking into account the aforesaid facts that the omnibus allegation has been made against the accused persons including the petitioners herein as also the fact that they have no



criminal antecedent and are in custody since 27.10.2021, this Court is inclined to grant him the privilege of bail.

Let the petitioners be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of like amount each to the satisfaction of Chief Judicial Magistrate, Rohtas at Sasaram in connection with Shivsagar P.S. Case No. 360 of 2020, subject to the following conditions:-

(i) one of the bailor should be the family member of the petitioners, who shall provide official document to show his/her *bona fide*;

(ii) the petitioners shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reasons will entail his cancellation of bail by the Trial Court itself;

(iii) they shall appear before the concerned police station every fortnight for next six months to mark their presence;

(iv) they shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of his bail bonds;

(v) the petitioners shall desist from committing any



criminal offence again failing which the State shall be at liberty
to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is
allowed.

(Rajiv Roy, J)

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