

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43291 of 2021**

Arising Out of PS. Case No.-55 Year-2021 Thana- BIDUPUR District- Vaishali

Md. Farooq Ansari @ Farookh Ansari, Son of Late Ahmad Ansari, Resident of Village- Mokimchak, P.S.- Bidupur, Distt.- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Girish Chandra Jha, Advocate
For the Opposite Party/s :	Mr. Zainul Anedin, APP
For the Informant :	Mr. Ranjeet Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 08-06-2022 Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, within a period of four weeks from today.

Heard Mr. Girish Chandra Jha learned counsel appearing on behalf of the petitioner, Mr. Ranjeet Kumar, learned counsel for the informant and the learned APP for the State.

The petitioner is apprehending his arrest in connection with Bidupur P.S. Case No. 55 of 2021 for the offences punishable under Sections 341, 323, 324, 354(A), 307, 379, 504, 506/34 of the Indian Penal Code.

As per prosecution case, it is alleged that on 27.01.2021 while the informant was sitting at his door co-



accused Md. Daud Ansari came there and started abusing and also shown his private part indecently and when the same was protested all the accused persons assaulted him. It is further alleged that co-accused Md. Laaik Ansari assaulted the informant by means of sword over the head of the informant and this petitioner tried to strangulate.

At the outset, learned counsel for the petitioner submits at the bar, on instruction of his client, that as per his information till date the process under Sections 82/83 of the Cr.P.C. have not been issued.

It is submitted by the learned counsel appearing on behalf of the petitioner that prior to the institution of the present case co-accused Safique Ansari has lodged Bidpur P.S. Case No. 216 of 2020 and the informant and his family members were pressurizing to withdraw the said case and this case is nothing but instituted with a view to pressurize the petitioner and his family members. It is also submitted that there is no specific allegation against this petitioner except pressing the neck of the informant, though no injury has been found, which substantiate the allegation. It is also submitted that specific allegation of causing sword blow has been levelled against co-accused.

On the other hand, learned counsel appearing on



behalf of the informant vehemently opposes the bail application and submits that there is specific allegation against this petitioner that he tried to strangle the informant, apart from the fact that he is having criminal antecedent and found involved in two other cases. In response to the aforesaid submissions made on behalf of learned counsel for the informant, learned counsel for the petitioner submits that both these cases have been instituted by the persons of the informant's side.

Learned APP appearing for the State opposes the bail application.

Having considered the submissions made on behalf of the parties and taking into consideration the fact that there is no specific allegation against this petitioner, except the pressing of the neck and moreover there is no injury report, which substantiate the allegation of strangulation, apart from the fact that there is old enmity between the parties, let the petitioner named above, be released on bail, in the event of his arrest or surrender before the court below within eight weeks from today, on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Vaishali at Hajipur in connection with



Bidupur P.S. Case No. 55 of 2021 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure with the following conditions:

(i) One of the bailors shall be the close relatives of the petitioner.

(ii) The petitioner will cooperate in the investigation as well as in conclusion of the trial.

(iii) He will not try to tamper with the evidence or intimidate the witnesses in course of investigation or during the course of trial.

(Harish Kumar, J)

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