

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41175 of 2021

Arising Out of PS. Case No.-456 Year-2020 Thana- SAHEBGANJ District- Muzaffarpur

1. Kulsum Begam @ Kulsun Began Wife Of Mustafa Ansari Resident Of Village- Math Bal Govind, P.S.- Sahebganj, Dist. Muzaffarpur.
2. Md.Muslim Ansari @ Muslim Ansari S/O Abul Hussain Resident Of Village- Fatehabad, P.S.- Paroo, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 42614 of 2021

Arising Out of PS. Case No.-456 Year-2020 Thana- SAHEBGANJ District- Muzaffarpur

Md. Ahshan @ Md. Ahshan Raja @ Md. Asan Son Of Muslim Ansari
Resident Of Village - Fatehabad, P.S.- Paroo, District - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 41175 of 2021)

For the Petitioner/s : Mr.Sunil Kumar Pandey

For the Opposite Party/s : Mr.Anil Kumar Singh No. 1

(In CRIMINAL MISCELLANEOUS No. 42614 of 2021)

For the Petitioner/s : Mr.Sunil Kumar Pandey

For the Opposite Party/s : Mr.Suman Kumari Singh

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 06-07-2022 Learned counsel for the petitioners has filed the supplementary affidavit today in the Court. Let it be kept on record.

Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

Learned counsel for the petitioners undertakes to
remove the defects within three weeks. In the eventuality of



non-removal of defects within undertaken period, the office will place the matter before the Bench.

The petitioners are apprehending their arrest in a case registered for the offence punishable under Sections 341, 342, 447, 323, 307, 324, 504/34 of the Indian Penal Code.

The informant alleged that 12 accused persons including the petitioners came to his house and started abusing the elder brother of the informant. On objection, accused persons started assaulting. When his mother came to rescue him, Md. Aslam assaulted her brutally with iron rod causing grievous injury and when Md. Mobarak came to rescue her, accused Raja @ Munna assaulted him by iron rod leading to grievous injury in his left eye and even his voice was affected.

It is submitted by learned counsel for the petitioners that petitioners are innocent and have been falsely implicated in this case. He submits that there is case and counter case between the parties. He submits that the similarly situated co-accused has already been granted privilege of bail by a bench of this Court on 14.06.2022 passed in Cr. Misc. No. 36972 of 2021. He further submits that petitioners have no criminal antecedent as stated in para-3 of this application.

Learned APP for the State opposes the prayer for



bail and submits that there is specific overt act against petitioner, namely, Md. Ahshan @ Md. Ahshan Raja @ Md. Asan.

Considering the fact that there is no specific allegation against the petitioners of Cr. Mic. No. 41175 of 2021, the above named petitioners in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Sahebganj P.S. Case No. 456 of 2020, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

So far as petitioner of Cr. Misc. No. 42614 of 2021 is concerned, there is specific overt against the petitioner, I am not inclined to enlarge the petitioner on bail. Accordingly, his prayer for anticipatory bail is rejected in connection with the aforesaid case.

(Anjani Kumar Sharan, J)

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