

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44641 of 2021

Arising Out of PS. Case No.-119 Year-2020 Thana- GURUA District- Gaya

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1. MUNNA ANSARI Son of Late Sabir Mian Resident of Village - Rajan, P.S.- Gurua, Distt.- Gaya.
 2. Guddu Ansari Son of Munna Ansari Resident of Village - Rajan, P.S.- Gurua, Distt.- Gaya.
 3. Chotu Ansari Son of Munna Ansari Resident of Village - Rajan, P.S.- Gurua, Distt.- Gaya.
 4. Firoz Ansari Son of Munna Ansari Resident of Village - Rajan, P.S.- Gurua, Distt.- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md. Javed Jafar Khan, Advocate
For the Opposite Party/s : Mr.Surendra Prasad Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 21-03-2022 Heard learned counsel appearing on behalf of
petitioners and learned A.P.P. for the State.

Let the defect(s) be removed within two weeks of
the complete start of the physical Court in normal course.

Learned counsel for the petitioners is directed to
make necessary correction in the bail application in course of
the day, which has occurred due to typographical mistake.

Learned counsel appearing on behalf of petitioner
submits that so far as petitioner No.3 Chotu Ansari is concerned
he seeks permission to withdraw the application.

In view of the above, the application filed on behalf of
petitioner No.3 **Chotu Ansari** is dismissed as withdrawn.



Heard learned counsel appearing on behalf of the petitioner Nos. 1, 2 and 4 namely Munna Ansari, Guddu Ansari and Firoz Ansari and learned A.P.P. for the State.

The petitioner Nos. 1, 2 and 4 seeks regular bail in connection with Gurua P.S. Case No. 119 of 2020, for the offence punishable under Sections 341, 323, 504 and 335/34 of the Indian Penal Code.

The prosecution case, in brief, is that on 02.06.2020 at about 5.30 P.M. while informant was sitting at his door, in the meantime, accused persons named in the F.I.R. including the petitioners armed with Danda came there and started abusing to which informant had protested. Accused Firoz Ansari assaulted on his head by means of Danda. The informant's son Intekhab Alam had tried to rescue his father (informant) accused Chotu Ansari (Petitioner No.3) assaulted him by means of Danda as a result of which he also sustained injury on his head. In the meantime, wife of informant came to save then all the accused persons also assaulted her as well.

Learned counsel appearing on behalf of the petitioner Nos. 1, 2 and 4 namely Munna Ansari, Guddu Ansari and Firoz Ansari submits that the there is general and omnibus allegation against the petitioner Nos. 1, 2 and 4, so far as petitioner no.2



Guddu Ansari is concerned he has assaulted the informant on his head, however, the injury found on the person of informant is simple in nature. The petitioner Nos. 1, 2 and 4 have clean antecedent and they are in custody since 29.03.2021 and are fit to be released on bail.

Learned A.P.P. for the State has opposed the prayer for grant of bail to the petitioner.

Considering the aforementioned facts and circumstances of the case, the allegation made in the F.I.R. as well as evidence, which has come in course of investigation, it appears that so far as petitioner No.4 Firoz Ansari is concerned there is direct allegation of assault on the body of informant, however, the injury is simple in nature. The allegation against petitioner Nos. 1 and 2 are general and omnibus to have assaulted the wife of the informant, but there is no injury report so far as the wife of the informant is concerned. The petitioner Nos. 1, 2 and 4 namely Munna Ansari, Guddu Ansari and Firoz Ansari are directed to be enlarged on bail on furnishing bail bond of Rs. 25000/- (Rs. Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned S.D.J.M. Sherghati, Gaya in connection with Gurua P.S. Case No. 119 of 2020 of ,subject to the following conditions:-



(1) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(4) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bonds.

(Purnendu Singh, J)

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