

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46807 of 2021

Arising Out of PS. Case No.-85 Year-2020 Thana- ROHTAS District- Rohtas

MEHMOOD ANSARI Son of Shahrum @ Tenni Ansari Resident of Village -
Mahuraw, P.S.- Rohtas, Dist.- Rohtas.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajani Kant Pandey, Advocate
For the Opposite Party/s : Mr.Ashok Kumar, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 28-02-2022 Heard the learned counsel for the petitioner and

Sri Ashok Kumar, the learned APP for the State.

The petitioner seeks regular bail in connection
with Rohtas PS case no. 85 of 2020 instituted for the offences
punishable under Sections 341, 323, 302, 504, 506 of Indian
Penal Code.

The allegation is regarding the accused persons
having arrived near the house of Hesamuddin, Tailor Master,
where the informant along with his son had also arrived and
then the accused persons are stated to have assaulted them with
lathi, danda etc. It is further alleged that when the informant's
another son namely Kulin Ansari and the father of the informant
namely Sheikh Shubrati Ansari had arrived there to rescue them,
all the five accused persons including the petitioner herein are



stated to have assaulted them with lathi/danda and bricks/stones, on account of which, both the sons of the informant as also his father had sustained injuries. It is also alleged that the father of the informant had also been pushed by the accused persons, resulting in him falling in the drain and sustaining injury on the back side of his head, resulting in his subsequent death.

The learned counsel for the petitioner has submitted that the petitioner is innocent, has been falsely implicated in the present case, is having a clean antecedent and is languishing in custody since 24.12.2020. The learned counsel for the petitioner has further submitted that a general and omnibus allegation has been levelled against all the accused persons and as far as the petitioner is concerned, no specific allegation of any sort of overt act *qua* him has been levelled. Lastly, it is submitted that similarly situated accused person namely Shahrum Ansari @ Shahrum @ Teni Ansari has already been granted bail by a co-ordinate Bench of this Court vide order dated 05.01.2021, passed in Cr. Misc. no. 34243 of 2020.

Per contra, the learned A.P.P. for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel



for the parties and taking into account the materials available on record as also considering the fact that a general and omnibus allegation has been levelled against all the accused persons, the deceased is stated to have fallen in a ditch, resulting in him sustaining head injury leading to his death, apart from the fact that similarly situated co-accused person has already been granted bail by a co-ordinate Bench of this Court, I deem it fit and proper to admit the petitioner to the privilege of bail.

Accordingly, the abovenamed petitioner is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of learned court of J.M. 1st class, Dehri-on-Sone, Rohtas at Sasaram in connection with Rohtas PS case no. 85 of 2020.

(Mohit Kumar Shah, J)

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