

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47718 of 2021

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

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1. KAUSAR ANSARI @ GAUSAR ANSARI Son of Shahrum @ Tenni Ansari Resident of Village- Mahuraw, P.S.- Rohtas, District- Rohtas.
 2. Nanhak @ Maqsood Ansari Son of Shahrum @ Tenni Ansari Resident of Village- Mahuraw, P.S.- Rohtas, District- Rohtas.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Pandey, Advocate
For the Opposite Party/s : Mr.A.G.

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 28-02-2022 Heard the learned counsel for the petitioners and
the learned APP for the State.

The petitioners seek 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, his 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 petitioners 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 petitioners has submitted that the petitioners are innocent, have been falsely implicated in the present case, are having clean antecedent and are languishing in custody since 24.12.2020. The learned counsel for the petitioners has further submitted that a general and omnibus allegation has been levelled against all the accused persons and as far as the petitioners are concerned, there is no specific allegation of them having engaged in any sort of overt act. Lastly, it is submitted that similarly situated co-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 on account of being pushed by the accused persons, resulting in him sustaining head injury, leading to his death, apart from the fact that similarly situated accused person has already been granted bail by a co-ordinate Bench of this Court, I deem it fit and proper to admit the petitioners to the privilege of bail.

Accordingly, the abovenamed petitioners are directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) each 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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