

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50153 of 2021

Arising Out of PS. Case No.-90 Year-2021 Thana- BELA District- Sitamarhi

1. NAJAMUDDIN ANSARI @ MD NEZAMUDDIN Son of Alaudin Ansari Resident of Village- Khairwa, Police Station- Bela, District- Sitamarhi.
2. Navijan Ansari @ Md. Navijan Ansari S/o Late Salim Ansari Resident of Village- Khairwa, Police Station- Bela, District- Sitamarhi.
3. Sanaullah Ansari @ Md. Sanaul Ansari @ Md. Sanaullah Ansari S/o Navijan Ansari @ Md. Navijan Ansari Resident of Village- Khairwa, Police Station- Bela, District- Sitamarhi.
4. Faijullah Ansari @ Fajalulah Ansari @ Md. Jajulah Ansari Son of Majrul Ansari Resident of Village- Khairwa, Police Station- Bela, District- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs.Madhubala Verma, Adv.

For the Opposite Party/s : Mr.Dilip Kumar No.1, APP
Mr.Ranjeet Kumar Mishra, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 05-05-2022 Heard learned counsel for the petitioners, learned counsel for the informant and learned Additional Public Prosecutor for the State.

Learned counsel for the petitioners undertakes to remove the defects within four weeks of resumption of normal court proceedings. In the eventuality of non-removal of defects within stipulated period, office will place the matter before the Bench.

The petitioners apprehend their arrest in a case registered for the offence punishable under Sections 341, 323, 324, 307,



379/34 of the Indian Penal Code.

The allegation against the petitioners is that they have attacked the informant by sharp cutting weapons like Dabiya, knife and Axe, due to which he become injured and taken away Rs.3000/- from his pocket.

It is submitted by learned counsel for the petitioners that petitioners are quite innocent and have committed no offence. They have been falsely implicated in this case. No such occurrence, in the manner as alleged, has ever taken place. The allegation leveled against the petitioners is not specific rather general and omnibus in nature. It is submitted that there is a case and counter-case between the parties and both sides have sustained injuries. It is further submitted that the occurrence took place on 11.05.2021 but the F.I.R. has been lodged on 15.05.2021 i.e. after a delay of four days and no plausible explanation in this regard has been given, which creates serious doubt about the prosecution case. Petitioners have no criminal antecedent.

Learned APP for the State as well as learned counsel for the informant opposed the prayer for anticipatory bail.

Having regard to the facts and circumstances of the case, considering that there is case and counter case between the



parties and the F.I.R. has been lodged after a delay of four days, let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, 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 Bela P.S. Case No.90/2021, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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