

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48877 of 2022

Arising Out of PS. Case No.-237 Year-2022 Thana- CHANPATIA District- West Champaran

1. DAUD ANSARI S/o Salamat Ansari R/o Village Khardeu Mahna, P.S. Chanpatiya, District - West Champaran.
2. SABIR ANSARI S/o Salamat Ansari R/o Village Khardeu Mahna, P.S. Chanpatiya, District - West Champaran.
3. SAHIL ANSARI @ SAKIL ANSARI @ GAISHUL ANSARI @ SAHIL RAJA S/o Mansur Ansari R/o Village Khardeu Mahna, P.S. Chanpatiya, District - West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey, Advocate
For the Opposite Party/s : Mr. Mohammad Sufyan, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 07-12-2022 Learned counsel for the petitioners is permitted to remove the defects, as pointed out by the office, if any, within a period of four weeks from today.

Heard learned counsel for the petitioners and learned APP for the State.

The petitioners are apprehending their arrest in a case registered for the offences punishable under Section 147, 149, 448, 323, 324, 307, 354B, 436, 504 of the Indian Penal Code

As per prosecution case, in brief, is that the accused persons including the petitioners came having rod and sword in their hands and assaulted the informant by means of sword with intention to kill which resulted in cut on her right hand. It is



further alleged that the accused petitioner namely Daud Ansari tore her saree and blouse and due to which she became semi naked and when the daughter of the informant came to rescue then Daud Ansari assaulted on her head by means of knife due to which her head got cut.

Learned counsel for the petitioners submits that the petitioners have clean antecedents and they have been falsely implicated in the present case. He further submits that there is case and counter case between the parties and there is admitted land dispute between them. He further submits that there is no specific allegation of overt act attributed against petitioner nos. 2 and 3 and there is specific allegation of assault to the daughter of the informant against petitioner no. 1 but the injury report does not support the allegation as alleged in the F.I.R. against the petitioner no. 1.

Learned APP for the State has opposed the prayer for anticipatory bail of the petitioners.

Considering the facts and circumstances of the case, let the petitioners, above named, in the event of their arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection



with Chanpatiya P.S. Case No. 237 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions :-

(1) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on their absence on two consecutive dates without sufficient reason, their bail bonds shall be cancelled by the Court below.

(2) If the petitioners tamper with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) And, further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

Ibrar//-

U		T	
---	--	---	--

