

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59923 of 2021

Arising Out of PS. Case No.-84 Year-2019 Thana- TARAIIYA District- Saran

1. Akhtar Ansari S/o Sattar Ansari R/o village- Mukundpur, P.S.- Taraiya, District- Saran
2. Afjal Ansari S/o Sattar Ansari R/o village- Mukundpur, P.S.- Taraiya, District- Saran

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bijay Bhushan Prasad

For the Opposite Party/s : Mr.Sanjay Kumar

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 12-04-2022 Let the defects, if any, be removed within four weeks from today.

Heard learned counsel for the petitioners as well as learned Additional Public Prosecutor for the State.

Petitioners seek bail in a case registered in connection with Session Trail no. 241 of 2021 arising out of Taraiya P.S.Case No. 84 of 2019 for the offences punishable under Sections 147, 148, 149, 341, 323, 307/302 and 504 of the Indian Penal Code.

As per the prosecution case, it is alleged that the informant's younger brother was going to see his land, Sattar Ansari abused him which was protested, whereupon Satar Ansari



along with his six sons including these petitioners assaulted the brother of the informant and, thereafter, when son of the informant's brother came to save their father, they also beaten by lathi.

Learned counsel for the petitioners submits that the informant is not an eye witness to the alleged occurrence and there is general and omnibus allegation against all the co-accused persons. It is further submitted that there is land dispute between the parties, which resultant into lodging of this case. It is next submitted that petitioners have no criminal antecedent, and they themselves, surrendered before the court below and are in judicial custody since 10.02.2021. It is lastly submitted that co-accused persons having, similar allegation, have already been granted bail by co-ordinate Bench of this Court in Cr. Misc. no. 3895 of 2021 vide order dated 17.02.2021 and the copy of order has taken on record. It is also submitted that other co-accused persons have also been granted bail by this Hon'ble Court.

The learned A.P.P opposed the prayer for bail of the petitioners and submits that these petitioners are remain absconder and due to which, the trial has separated and delay has caused. In reply to the submission, made on behalf of the



counsel for the State, the counsel for the petitioners submits that initially, the investigation was pending against these petitioners and subsequently, charge sheet has been submitted against them, whereupon the petitioners have surrender before the court on 10.02.2021.

Having heard the rival contentions of the parties and taking into consideration the fact that, there is general and omnibus allegation against these petitioners and the other co-accused persons having, similar allegation, have already been granted bail by different Benches of this Court. Apart from the fact these petitioners have no criminal antecedent and are in custody since 10.02.2021, let the petitioners, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Twenty Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge XI, Saran at Chapra in connection with Session trial no. 241 of 2021 arising out of Taraiya P.S. Case No. 84 of 2019, subject to the condition that one of the bailors will be the close relatives of the petitioners with further conditions which are as follows:-

- (i) The petitioners will cooperate in conclusion of the trial.
- (ii) They will remain present on each and every date of trial till disposal of the case.



(iii) They will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, their bail bonds will liable to be cancelled.

(Harish Kumar, J)

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