

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56099 of 2022

Arising Out of PS. Case No.-186 Year-2022 Thana- PAHARPUR District- East Champaran

1. IDRISH ANSARI Son of Late Sakur Ansari @ Safur Ansari Resident of village- Inarwabhar, P.S- Paharpur, District- East Champaran, Motihari
2. Kasim Ansari Son of Rojdin Ansari @ Rajdin Miya Resident of village- Inarwabhar, P.S- Paharpur, District- East Champaran, Motihari

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sharda Nand Mishra

For the Opposite Party/s : Mr.Sanjay Kumar Tiwary

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 16-12-2022 Heard learned counsel for the petitioners and
learned A.P.P. for the State.

The petitioners seek bail in connection with
Paharpur P.S. Case No. 186 of 2022 registered for the offences
punishable under Sections 341, 323, 307, 354(B), 379, 504,
506/34 of the I.P.C.

As per prosecution case, the petitioner and others
concertedly came and began to abuse with regard to the land
dispute. It is further alleged that when same was protested by
informant co-accused Saheb Ansari assaulted informant's father
by means of sword as a result of which informant's father
sustained injury on head and neck and bleeding started. It is



further alleged that when informant's mother came for rescue petitioner no. 1 Idrish Mian assaulted her by means of Lathi. It is further alleged that when informant and his wife came for rescue then all accused persons tied Gamcha in the neck of informant and started beating him. Co-accused Saheb Ansari assaulted the informant's wife by dragging by means of Mukka and slap. It is further alleged that gold Sikari of informant's wife, earring of informant's mother and Rs. 3500/-of the informant were also snatched.

Learned counsel for the petitioners submits that petitioners are in custody since 21.07.2022. Petitioners bear one criminal antecedent which is lodged by same party. Charge sheet has already been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel further submits that there is a land dispute between both the parties and there is a case and counter case between the same party upon the same date of occurrence and in this context facts are generally exaggerated. Learned counsel further submits that from perusal of F.I.R, it appears that there is no repetition of making blow on vital part of body. It is clear that there is no intention to commit murder, hence, no case under Section 307 of the I.P.C. is made out against the petitioners. Allegation



against the petitioners are general and omnibus in nature except petitioner no. 1 Idrish Mian who is alleged to be assaulted the informant's mother by means of Lathi. Learned counsel further submits that no injury has been found upon the informant's mother and petitioners are not the assailant of the informant's father who sustained injury upon head and neck by means of sword, same is against co-accused Saheb Ansari. In the light of aforesaid facts and circumstances of the case, no case under Section 354(B) and 379 of the I.P.C. is made out against the petitioners as they are superficial allegation on the basis of version of counter case filed by petitioner no. 1 himself.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioners.

Considering the facts and circumstances of the case as well as period of custody, charge-sheet has already been submitted and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of the parties and also taking into consideration the material available on record, let the petitioners above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., East Champaran, Motihari in connection with



Paharpur P.S. Case No. 186 of 2022, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioners will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission would be a ground for cancellation of bail by the learned Trial court itself.

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

(Alok Kumar Pandey, J)

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