

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69285 of 2021

Arising Out of PS. Case No.-231 Year-2021 Thana- SUGAULI District- East Champaran

1. HASMUDDIN ANSARI, Son of Paigamber Hussain @ Paigamber Ansari
Resident of Village- Uttari Bucha, P.S.- Surgauli, District- East Chamapran
at Motihari.
2. Amamuddin Ansari, Son of Paigamber Hussain @ Paigamber Ansari
Resident of Village- Uttari Bucha, P.S.- Surgauli, District- East Chamapran
at Motihari.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Zainul Abedin, Advocate
		Mr. Ramendra Kumar Bharti, Advocate
For the Opposite Party/s	:	Mr.Madhura Nand Jha, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

5 26-09-2022 Since both the cases arise out of Sugauli P.S. Case
No. 231 of 2021 as such, they have been heard together and are
being disposed of by this common order.

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

Let the defect (s), as pointed out by the office, be
removed within a period of four weeks from the date of
resumption of physical filing and physical removal of defect.

In the present case, the petitioners seek bail in
connection with Sugauli P.S. Case No. 231 of 2021 registered
for the alleged offences under Sections 147, 148, 149, 341, 323,



307, 504 and 506 of the Indian Penal Code and Section 27 of the Arms Act.

As per prosecution case, the petitioners and other co-accused persons who were variously armed, fired upon one Matiullah Ansari who received injuries in his stomach and was being treated in the hospital at the time of filling of the written report.

Learned counsel for the petitioners submits that petitioners are innocent and have been falsely implicated in this case. The petitioners are co-villagers of the informant and they are having land dispute which led to the quarrel between them but the petitioners have no role in the alleged occurrence. The present case is counter blast of Sugauli P.S. Case No. 329 of 2020, Case No. 355 of 2020, Case no. 151 of 2020 and Case No. 241 of 2021 registered against informant. There is no independent witness to the alleged occurrence and this shows the falsity of allegation. The petitioners are in custody since 28.07.2021 and charge sheet has been submitted in this case. The petitioner no. 1 is having three cases pending against him whereas petitioner no. 2 is having clean antecedent. A number of co-accused persons have been granted anticipatory bail as well as regular bail vide orders dated 22.08.2022, 27.07.2022,



21.07.2022 and 12.04.2022 passed in Cr. Misc. Nos. 5397/2022, 70263/2022, 67199/2021 and 58617/2021, respectively.

Learned APP for the State opposes the prayer for bail of the petitioners. Further, he concedes that allegations are general and omnibus and petitioners appear to be a member of the mob.

Having regard to the facts and circumstances and submission made on behalf of the parties and considering the fact that no specific overt act has been attributed to the petitioners and allegations are mostly general and omnibus against them as well as other co-accused persons and most of them have been granted anticipatory bail / regular bail and further considering the period of custody along with submission of charge sheet, the petitioners above named are directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand)each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Motihari, East Champaran in connection with Sugauli P.S. Case No. 231 of 2021, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions:

(i) One of the bailors will be a close



relative of the petitioners.

(ii) The petitioners will remain present on each and every date fixed by the court below.

(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioners will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

Gautam/-

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

