

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25618 of 2023

Arising Out of PS. Case No.-587 Year-2022 Thana- SITAMARHI COMPLAINT CASE
District- Sitamarhi

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1. Md. Vilal Ansari @ Vilal Ansari @ Bilal Son Of Late Gulam Ansari Residents Of Village - Bhawanipur, P.S. - Bathnaha, District - Sitamarhi (BIHAR)
 2. Chand Ansari @ Md. Chand Son Of Md. Salim Resident of village and P.S. - Nanpur, Distt. - Sitamarhi, Pin code - 843333 (Bihar) At present resident of Village - Bhawanipur, P.S. - Bathnaha, Distt. - Sitamarhi (Bihar)

... .. Petitioner/s

Versus

1. The State of Bihar
2. Johra Khatun Wife of Nazir Ansari Resident of village - Bhawanipur, P.S. - Bathnaha, Distt. - Sitamarhi (Bihar)

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Uday Kumar, Advocate

For the Opposite Party/s : Mr.Rana Randhir Singh, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 07-07-2023 Heard learned counsel for the petitioners and the
learned APP for the State.

The petitioners are apprehending their arrest in connection with Complaint Case No. CI-587 of 2022 registered for the offence punishable under Sections 341, 323, 452, 354(B), 427, 325, 380 and 34 of the Indian Penal Code.



The complainant has alleged that the petitioners and other co-accused persons, with the intention of grabbing her land have erected a fence on the complainant's land. When the same was objected to by the complainant and her son, the accused persons have, allegedly assaulted the prosecution parties. Chand Ansari (petitioner no. 2), has allegedly dragged the informant, tried to disrobe her, and also fractured her shoulder and Md. Vilal Ansari @ Vilal Ansari @ Bilal (petitioner no. 1) has also torn the cloth of some witnesses and damaged the household articles.

Learned counsel for the petitioners submits that from the allegations in the complaint, it is obvious that the parties are at loggerheads over the right to erect the boundary between the two properties. In respect of the same dispute earlier, the wife of petitioner no. 2 has lodged a case, namely, Bathnaha, P.S. Case No. 151 of 2022 on 03.06.2022. Four days thereafter, the complain has been lodged containing allegations of this occurrence which is alleged to have taken place on 01.06.2022. The sequence of events suggests falsity of the allegations. The complaint is also not accompanied with any injury report in support of the allegations. The petitioners have no antecedents.

Learned APP for the State has opposed the prayer for



pre-arrest bail.

Considering the rival submissions, the delay in lodging of the complaint, that also after the FIR was lodged by wife of the petitioner no. 2, lack of any injury report and clean antecedent, this Court is inclined to allow petitioners' prayer for grant of anticipatory bail.

Accordingly, let the petitioners, above named, in the event of their arrest or surrender before the court below within a period of four weeks from today, be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned C.J.M, Sitamarhi in connection with Complaint Case No. CI-587 of 2022 , subject to the conditions as laid down in Section 438(2) of the Code of Criminal Procedure as also subject to the following conditions:

(i) That one of the bailors will be a close relative of the petitioners who will give an affidavit giving genealogy as to how he is related with the petitioners. The bailor will also undertake to inform the court if there is any change in the address of the petitioners.

(ii) That the petitioners will be well represented on each date and if



they fail to do so on two consecutive dates, their bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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