

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28645 of 2023

Arising Out of PS. Case No.-269 Year-2022 Thana- KATORIYA District- Banka

1. Mansoor Ansari Son Of Rajbali Mian Resident Of Village Ghormara, Police Station Katoria, District Banka
2. Maksood Ansari Son Of Rajbali Mian Resident Of Village Ghormara, Police Station Katoria, District Banka
3. Hakik Ansari Son Of Late Tejmalli Mian Resident Of Village Ghormara, Police Station Katoria, District Banka
4. Jamal Ansari Son Of Late Tejmalli Mian Resident Of Village Ghormara, Police Station Katoria, District Banka
5. Imamul Ansari Son Of Noushad Ansari Resident Of Village Ghormara, Police Station Katoria, District Banka
6. Munna Ansari Son Of Hakim Mian Resident Of Village Ghormara, Police Station Katoria, District Banka
7. Safuj Ansari @ Safub Ansari Son Of Saddikmian Resident Of Village Ghormara, Police Station Katoria, District Banka
8. Noushad Ansari Son Of Hakim Mian Resident Of Village Ghormara, Police Station Katoria, District Banka
9. Hafiz Ansari @ Hafuz Ansari Son Of Late Radhik Mian Resident Of Village Ghormara, Police Station Katoria, District Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Mukherjee, Advocate
For the Opposite Party/s : Mr.Akhileshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 14-07-2023 Heard learned counsel for the petitioners and

learned APP for the State.

2. The petitioners, in the present case, are seeking

pre-arrest bail in connection with Katoria P.S. Case No.269

of 2022 registered for the offences punishable under



Sections 341, 323, 324, 307, 504, 34 and 506 of the Indian Penal Code. The petitioners have got no criminal antecedent.

3. Learned counsel for the petitioners submits that, as per the prosecution story, all the named accused persons including these petitioners have assaulted the informant's side by axe with an intention to kill them due to which they suffered injuries. The reason behind the occurrence is a land dispute.

4. Learned counsel for the petitioners submits that these petitioners have no criminal antecedent and they have been falsely implicated in the present case which has been lodged as a counter blast of Katoria P.S. Case No.266 of 2022 lodged by petitioner no.2 against the prosecution party.

5. Learned counsel further submits that from the counter case it would appear that the informant's side had indulged in assaulting the petitioners' side and they caused injuries to at least three persons from the petitioners' side. It is submitted that from the case and counter case it is clear that both parties have indulged in a free fight. So far as the



grievous injuries caused to the Zakir Ansari and Khaboni Bibi are concerned, those are not specifically attributed to these petitioners.

6. Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioners, however, having considered that there is a case and counter case between the parties, the case of the petitioners' side is prior in time and both the parties seem to have indulged in a free fight, the grievous injuries caused to the two persons from the informant's side are not specifically attributed to the petitioners and they have otherwise no criminal antecedent, hence, this Court directs that in case of their arrest/surrender within a period of four weeks from today, let the petitioners above-named be enlarged on bail on furnishing bail bond of Rs. 25,000/- (twenty five thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Banka in connection with Katoria P.S. Case No. 269 of 2022, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

7. 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 antecedent, 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.

8. This application stands allowed.

(Rajeev Ranjan Prasad, J)

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