

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44468 of 2023

Arising Out of PS. Case No.-37 Year-2023 Thana- CHHATAUNI District- East Champaran

1. Kachcha Miya @ Shajad Ansari @ Kachchha Miya son of Makbul Ansari @ Mulla Miya Village- Chhota Bariyarpur Po- Bariyarpur PS- Chhatauni Dist- East Champaran
2. Raja Sah @ Raja Kumar son of Prakash Sah Village- Chhota Bariyarpur PO- Bariyarpur PS- Chhatauni Dist- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 25-08-2023 1. Heard learned counsel for the petitioners and learned A.P.P. for the State.

2. The petitioners apprehend their arrest in connection with Chhatauni P.S. Case No. 37 of 2023 registered for the offences punishable under Sections 341, 323, 307, 447, 307, 379, 504, 506 and 34 of the Indian Penal Code.

3. Learned counsel for the petitioners submits that the petitioner no. 1 is a person with clean antecedent, petitioner no.2 has antecedent of five cases and the informant alleges that on account of dispute between children, the named accused persons, including the petitioners, assaulted him and damaged the SUV vehicle of his uncle (*fufa*). It is further alleged that



Vishal snatched gold chain from his brother and also smashed window pane of the car. It is next alleged that when he was going to police station, the accused persons along with 10-12 unknown came and Kishan fired causing injury on his head and on alarm they fled.

4. Learned counsel for the petitioners submits that the petitioners have been falsely implicated in the present case, it is next submitted that from perusal of the allegations as alleged in the FIR it would manifest that allegations against the petitioners are general and omnibus in nature i.e. no specific allegation of assault is alleged. It is further submitted that specific allegation of firing is against Kishan, it is also submitted that no doubt petitioner no.2 has antecedent of five cases but then they are under the Excise Act and of minor offences under the IPC. Learned counsel submits that no doubt criminal antecedent is an important fact which persuades the Courts while considering the anticipatory bail or regular bail application of the petitioner but then it is not the sole consideration, the nature of allegation also has to be appreciated.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

6. Considering the submissions made by the learned



counsel for the petitioners, the petitioners above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Chhatauni P.S. Case No. 37 of 2023 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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