

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39946 of 2023

Arising Out of PS. Case No.-250 Year-2020 Thana- BANMANKHI District- Purnia

1. Md. Tabrej Ansari @ Tabrej Alam Son Of Late Musa Ansari Resident Of Village- Dharhara Ansari Tola, Ward No. 06, PS- Banmankhi, District- Purnea
2. Md. Tasabur @ Tasvir Alam Son Of Md. Jamal Ansari Resident Of Village- Dharhara Ansari Tola, Ward No. 06, PS- Banmankhi, District- Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sudhir Kumar Thakur, Adv.
For the Opposite Party/s : Mr.Arun Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 19-08-2023 Heard learned counsel for the petitioners and the learned Additional Public Prosecutor (for brevity 'APP') for the State.

2. The petitioners are apprehending their arrest in connection with Banmankhi PS Case No. 250/ 2020 dated 27.09.2020 registered for the offence punishable under Sections 341,323,324,307,379 and 34 of the Indian Penal Code (for brevity 'IPC').

3. There is allegation of indiscriminate assault by accused persons, including the petitioners upon the informant's son.

4. Learned counsel for the petitioners submits that



First Information Report (for brevity 'FIR') is against unknown persons. On the basis of statement of the victim recorded nearly one year after the occurrence, the petitioners have been falsely implicated in this case. Copy of the deposition of the victim is enclosed as Annexure-2 to the bail petition. As per statement of the victim, recorded under Section 164 Code of Criminal Procedure (for brevity 'Cr. P.C. '), the petitioners were one amongst those, who have assaulted him and petitioner No.1 was carrying a knife.

5. Learned APP for the State has vehemently opposed the prayer for anticipatory bail. It is submitted that the victim has sustained various injuries caused by sharp cutting weapon. The petitioners also have antecedents in Banmankhi PS Case No. 183 of 2016 dated 14.11.2016 for the offences punishable under sections 147,148,149,447,341,323,324,307,302,379, 504 and 506 of the IPC.

6. Considering the rival submissions, the victim's statement recorded under Section 164 Cr. P. C. (Annexure-2), antecedent of the petitioners and the nature of injury sustained by the victim, this Court, for the purposes of grant of bail is inclined to accept the submissions advanced by the learned APP for the State. This Court does not find it a fit case for grant of



anticipatory bail.

7. Prayer is rejected.

(Madhuresh Prasad, J)

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