

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47775 of 2023

Arising Out of PS. Case No.-140 Year-2023 Thana- SIWAN MUFFASIL District- Siwan

1. Afzal Ansari @ Afzal Ali S/O Late Nasir Hussain R/O Village-Karmalihatta, P.S.-Siwan Muffasil, District-Siwan
2. Jamshedh Khan S/O Late Majju Khan R/O Village-Karmalihatta, P.S.-Siwan Muffasil, District-Siwan
3. Meraj Ansari @ Meraj Ahmed S/O Late Nasir Hussain R/O Village-Karmalihatta, P.S.-Siwan Muffasil, District-Siwan

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr. Ajay Kumar Pandey, Advocate
For the Opposite Party : Mr. Ram Priya Sharan Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 11-08-2023 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners apprehends arrest in connection with Siwan Muffasil P.S. Case No. 140 of 2023 dated 25.03.2023, instituted for the offence punishable under Sections 341/323/324/325/307/379/34 of the Indian Penal Code.

3. The case of prosecution, in short, is that on 23.03.2023, at about 11:00 am named accused persons including petitioners came to informant with *lathi* and started assaulting him and when informant's sons come to his rescue, they hit them with intention to kill and cause injury. It is further alleged



that they snatched Cash worth 6,000/- (six thousand) from informant's pocket.

4. Learned counsel for the petitioners submits that the petitioners are innocent and they have falsely been implicated in this case. It is submitted that the petitioners and informant are close agnates and there is land dispute among them and due to that this false case has been instituted. It is further submitted that there is case and counter between the parties. The instant case was lodged in retaliation of Siwan Muffasil P.S. Case NO. 141 of 2023, lodged under Section 307 and other allied Sections of the Indian Penal Code by the mother of petitioner Nos. 1 and 2. Further, it is submitted that the injury sustained by informant side is simple in nature except injury of Raja which is not on vital part. Lastly, it has been submitted that they have no criminal antecedents

5. Learned A.P.P. has opposed the prayer for bail of the petitioners.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioners within a period of six weeks from today, in connection with Siwan Muffasil P.S. Case No. 140 of 2023, they shall be released on anticipatory



bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned J.M. 1st Class, Siwan, subject to condition as laid down under Section 438(2) of the Cr.P.C.

(Khatim Reza, J)

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