

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46030 of 2022

Arising Out of PS. Case No.-59 Year-2022 Thana- ISUAPUR District- Saran

1. Jauwad Ansari Son of Sahabjada Miya R/v- Ramchaura, P.S- Ishuapur, Dist- Saran
2. Md. Harun Ansari @ Harun Ansari Son of Anwar Ali R/v- Ramchaura, P.S- Ishuapur, Dist- Saran
3. Chandtara Wife of Md. Harun Ansari @ Harun Ansari R/v- Ramchaura, P.S- Ishuapur, Dist- Saran

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Harendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 04-01-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioners are apprehending arrest in connection with Isuapur P.S. Case No. 59 of 2022 for the offence under sections 143, 447, 323, 324, 307, 354, 379 and 504 of the Indian Penal Code.

As per the FIR, the allegation against the petitioner no.1 is of causing injury on the neck of the informant by using sword.



So far as the other two petitioners are concerned, omnibus allegation of assault is there.

Learned counsel for the petitioner submits that the occurrence as narrated in the FIR is untrue inasmuch as there was no use of sword.

Mr. Jitendra Kumar Singh, learned APP on the other hand submits that there is direct allegation of using sword on the neck of the informant by the petitioner no.1.

Taking into account the aforesaid allegation that has been alleged against the petitioner no.1, his prayer for anticipatory bail is rejected.

So far as two petitioners namely Md. Harun Ansari @ Harun Ansari and Chandtara are concerned in view of the fact that omnibus allegation of assault is there against them, this Court is inclined to grant them relief.

Let the petitioners namely Md. Harun Ansari @ Harun Ansari and Chandtara be released on bail, in the event of their arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned S.D.J.M., Saran at Chapra, in connection with Isuapur P.S. Case No. 59 of 2022



subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

The petitioner no.1 in case of his surrender within a period of two weeks from today, the learned Court shall decide his case on the basis of material available without being prejudiced by any of the observation made in the present petition.

(Rajiv Roy, J)

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