

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51477 of 2023

Arising Out of PS. Case No.-103 Year-2022 Thana- GOVINDGANJ District- East
Champaran

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1. JALALUDIN ANSARI @ JALALUDIN Son of Mahamad Miya Resident of village - Nawada Choubey Tola, P.S. - Govindganj, Distt. - East Champaran
 2. Nesar Ansari Son of Jalaludin Ansari @ Jalaludin Resident of village - Nawada Choubey Tola, P.S. - Govindganj, Distt. - East Champaran
 3. Soharab Ansari Son of Gayasuddin Ansari Resident of village - Nawada Choubey Tola, P.S. - Govindganj, Distt. - East Champaran
 4. Munna Ansari @ Saddam Ansari Son of Gaffar Mian Resident of village - Nawada Choubey Tola, P.S. - Govindganj, Distt. - East Champaran
 5. Mansoor Ansari Son of Gaffar Mian Resident of village - Nawada Choubey Tola, P.S. - Govindganj, Distt. - East Champaran
 6. Sahabuddin Ansari Son of Gaffar Mian Resident of village - Nawada Choubey Tola, P.S. - Govindganj, Distt. - East Champaran
 7. Gaiyasuddin Ansari Son of Mahamad Jan Mian Resident of village - Nawada Choubey Tola, P.S. - Govindganj, Distt. - East Champaran

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajesh Ranjan, Adv.
For the Opposite Party/s : Mr.Dilip Kumar No.1,APP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 29-08-2023 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 147, 148, 149, 323, 324, 307, 504, 506, 379 of the Indian Penal Code.

3. The prosecution story, in brief, is that on 17.03.2023 at about 07:00 P.M., all the accused persons including these



petitioners, armed with deadly weapons, came to the informant and started abusing. On objection, they assaulted the informant. Petitioner no. 4 is said to have given sword blow on the head of the informant due to which he sustained injuries. Hearing the alarm raised by the informant, when his family members came to save him, they were also assaulted with sword, *farsa*, etc.

4. It is submitted by learned counsel for the petitioners that petitioners are quite innocent and have committed no offence. Both the parties are co-villagers. No such occurrence as alleged ever took place. Petitioners have been falsely implicated in this case due to ulterior motive. The allegation levelled against the petitioners is not specific rather general and omnibus in nature. There is case and counter case between the parties. Both sides have sustained injuries and all the injuries were found simple in nature, as mentioned in para 12 of the bail application. It is further submitted that police had filed the final form against petitioner nos. 2, 3, 6 and 7, but the learned Court below took cognizance against them. Earlier the petitioner nos. 1, 4 & 5 have been granted benefit of 41A of Cr.P.C. Petitioner nos. 4, 5, 6 & 7 have one criminal antecedent, whereas petitioner nos. 1, 2, 3 has no criminal antecedent as mentioned in para-3 of this application.



5. Learned APP for the State opposed the prayer for bail.

6. Having regard to the facts and circumstances of the case, as all the injuries sustained by the victims were found simple in nature and the final form has been filed against petitioner nos. 2, 3, 6 & 7, let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned lower Court where the case is pending/successor Court in connection with Govindganj P.S. Case No. 103 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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