

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52092 of 2023

Arising Out of PS. Case No.-469 Year-2021 Thana- KHAIRA District- Jamui

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1. ARIF ANSARI SALAUDDIN ANSARI R/O-CHOUKITARAR, P.S.-KHAIRA, DISTT.-JAMUI
 2. SADDAM ANSARI SON OF RUSTAM ANSARI R/O-CHOUKITARAR, P.S.-KHAIRA, DISTT.-JAMUI
 3. SAMIR ANSARI @ MD. SAMIRUDDIN SON OF ALAUDDIN ANSARI R/O-CHOUKITARAR, P.S.-KHAIRA, DISTT.-JAMUI
 4. MD. RUSTAM ANSARI @ RUSTAM MIYAN SONOF SHOBRATI MIYAN R/O-CHOUKITARAR, P.S.-KHAIRA, DISTT.-JAMUI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pankaj Kumar Sinha, Advocate

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

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

- 2 19-08-2023 1. Heard the learned counsel for the petitioners and the learned A.P.P. for the State.
2. This is an application for grant of anticipatory bail in connection with Khaira PS case no. 469 of 2021, registered for the offences punishable under Section 353 and other allied sections of the Indian Penal Code and Sections 3/4 of the Damage of Property Act.
3. The case of the prosecution, in brief, is that on the alleged date and time of occurrence, the informant received information that a person has been murdered near Banwari bridge, situated at village Chawkitanr, PS-Khaira, District-Jamui,



whereafter the informant along with police force had gone to the said place of occurrence and had started enquiring into the matter, whereupon it transpired that one person has been shot at and he has been taken to the hospital in an injured and a serious condition. However, on the next day i.e. on 18.12.2021, in the morning, it transpired that the said person had died, whereafter the accused persons including the petitioners herein comprising of a huge mob of about 34 FIR named and 20 unknown persons had blocked the road and when the informant had persuaded them to remove the road block, they had resorted to pelting stones and bricks upon the police force.

4. The learned counsel for the petitioners submits that the petitioners are innocent, they have been falsely implicated in the present case and they are having a clean antecedent. The learned counsel for the petitioners has further submitted that a general and omnibus allegation has been levelled against all the accused persons including the petitioners herein and the petitioners have not been alleged to have engaged in any sort of specific overt act, hence, the petitioners be granted the privilege of anticipatory bail.

5. *Per contra*, the learned APP for the State has vehemently opposed the prayer for bail.

6. Having regard to the facts and circumstances of the



case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record as also considering the fact that a general and omnibus allegation has been levelled against all the accused persons including the petitioners herein and the petitioners have not been alleged to have engaged in any sort of specific overt act apart from the fact that the petitioners are having a clean antecedent, I deem it fit and appropriate to admit the petitioners to the privilege of anticipatory bail.

7. Accordingly, the abovenamed petitioners, in the event of their arrest or surrender before the court below within a period of six weeks from the date of receipt/ production of a copy of this order, are directed to be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) each with two sureties of the like amount each to the satisfaction of learned court of C.J.M., Jamui in connection with Khaira PS case no. 469 of 2021, subject to the conditions as laid down under Section 438(2) of Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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