

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51958 of 2022

Arising Out of PS. Case No.-35 Year-2022 Thana- MATIYARIA District- West Champaran

1. ASARUDDIN ALAM @ MD. ASARUDDIN ALAM SON OF LATE NATHU MIAN R/O VILLAGE- D.K.SHERAHWA, P.S.- MATIYARIYA, DISTRICT- WEST CHAMPARAN
2. AMAMUL ANSARI @ MD. AMAMUL ANSARI @ AMAMUL HASAN SON OF ROJ MIAN R/O VILLAGE- D.K.SHERAHWA, P.S.- MATIYARIYA, DISTRICT- WEST CHAMPARAN
3. HARUN MIAN @ HARUN ANSARI SON OF LATE BHULAI MIAN R/O VILLAGE- D.K.SHERAHWA, P.S.- MATIYARIYA, DISTRICT- WEST CHAMPARAN
4. KAMARDDIN MIAN @ KAMARUDDIN MIAN SON OF LATE BHOKAT MIAN R/O VILLAGE- HAUDA DUMRA, P.S.- MATIYARIYA, DISTRICT- WEST CHAMPARAN
5. SABREJ ANSARI SON OF KAMARUDDIN MIAN R/O VILLAGE- HAUDA DUMRA, P.S.- MATIYARIYA, DISTRICT- WEST CHAMPARAN
6. GYASUDDIN ANSARI @ GYASUDDIN MIAN SON OF MAHAMDDIN MIAN R/O VILLAGE- HAUDA DUMRA, P.S.- MATIYARIYA, DISTRICT- WEST CHAMPARAN
7. AFAZAL ANSARI SON OF GYASUDDIN ANSARI R/O VILLAGE- HAUDA DUMRA, P.S.- MATIYARIYA, DISTRICT- WEST CHAMPARAN

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Brij Kishor Mishra, Advocate
For the Opposite Party/s : Mr.Rajendra Nath Jha, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 12-01-2023 Learned counsel for the petitioners is permitted to remove the defect(s), as pointed out by the office, if any, within a period of three weeks from today.

Heard learned counsel for the petitioners and



learned Additional Public Prosecutor for the State.

The petitioners are apprehending their arrest in connection with Matiyariya P.S. Case No. 35 of 2022 registered for the offences punishable under Sections 147, 148, 149, 323, 324, 325, 307 and 427 read with Section 34 of the Indian Penal Code.

As per prosecution case, the co-accused Samsuddin Ansari and his brother-in-law petitioner Gayasuddin Ansari started abusing the informant on account of land dispute. On being objected, the co-accused Samsuddin Ansari inflicted blow of farsa on the head of the grand father of the informant and when other people came to rescue then the petitioner Sabrej Ansari assaulted with farsa on the head of the daughter of the informant which hit her finger, causing cut injury. Then, the accused persons entered the house of the informant and damaged the property worth rupees two lakh.

Learned counsel for the petitioners has submitted that the petitioners are innocent and have been falsely implicated in this case. There is general and omnibus allegation against the petitioners except the petitioner no. 5 and 6. As per injury report, the injuries of Saiyara Khatoon is on non vital part of the body and the injury of Sahnara



Khatoon, appears to be simple in nature. The petitioner no. 1 and 2 have two more criminal antecedent except the present case in which they are on bail whereas the petitioner no. 3 to 7 have got no criminal antecedent as stated in para 3 of the bail petition.

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

Considering the aforesaid facts and circumstances of the case, let the above named petitioners, in the event of their arrest/ surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail bonds of Rs. 20,000/-(Twenty Thousand)each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-IV, Bettiah, District-West Champaran in connection with Matiyariya P.S. Case No. 35 of 2022, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure.

The application stands allowed.

(Chandra Prakash Singh, J)

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