

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62451 of 2023

Arising Out of PS. Case No.-265 Year-2022 Thana- SONO District- Jamui

1. SHAHNAWAZ ANSARI @ MD. SHAHNAWAZ son of Md. Nasruddin Ansari @ Nasiruddin Ansari Village- Tilwaria Ps- Sono Dist- jamui
2. Jasim Ansari @ Jasim son of Md. Nasruddin Ansari @ Nasiruddin Ansari Village- Tilwaria Ps- Sono Dist- jamui
3. Naim Miya @ Naim Ansari son of Makbul Ansari @ Makbul Mian Village- Tilwaria Ps- Sono Dist- jamui

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Tapeshwar Sharma, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 17-10-2023 Heard learned counsel for the petitioners and the
learned APP for the State.

2. The petitioners are apprehending their arrest in connection with Sono P.S. case No. 265 of 2022 registered for the offence punishable under Sections 341, 323, 324, 342, 308, 504, 506 and 34 of the Indian Penal Code.

3. As per the prosecution case, one goat belonging to the informant Mukhtar Ansari was grazing in the corn field of Nasiruddin Ansari, whereafter altercation has taken place and it is alleged that the petitioners along with 10 others have indulged in indiscriminate assault by various means.



4. The learned counsel for the petitioners submits that against petitioner Nos. 1 and 2, there is no specific allegation of assault. 13 persons have been made accused on extraneous consideration whereas specific allegation of assault is against petitioner No. 3, co-accused Ansar Ansari and co-accused Nasiruddin Ansari. The assault attributed to the petitioners has been found to be simple in nature, as is apparent from the injury report (Annexure-3). It is further submitted that there is delay in lodging of the F.I.R. The occurrence is said to have occurred on 14.08.2022 whereas F.I.R. has been lodged on 21.08.2022. The instant petitioners have been implicated on extraneous considerations and have no antecedents.

5. Learned APP for the State has opposed the prayer for pre-arrest bail.

6. Considering the delay in lodging of F.I.R., the injury report and the submission of the learned counsel for the petitioners, this Court for the purposes of grant of bail is inclined to accept the submissions advanced by the petitioners' counsel. Prayer for anticipatory bail of the petitioners is allowed.

7. Accordingly, let the petitioners, above named, in the event of their arrest or surrender before the court below



within a period of four weeks from today, be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Jamui in connection with Sono P.S. case No. 265 of 2022, subject to the conditions as laid down in Section 438(2) of the Code of Criminal Procedure as also subject to the following conditions:

- (i) That one of the bailors will be a close relative of the petitioners who will give an affidavit giving genealogy as to how he is related with the petitioners. The bailor will also undertake to inform the court if there is any change in the address of the petitioners.
- (ii) That the petitioners will be well represented on each date and if they fail to do so on two consecutive dates, their bail bonds will be liable to be cancelled.

(Madhuresh Prasad, J)

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