

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55491 of 2022

Arising Out of PS. Case No.-9 Year-2020 Thana- PRATAPGANJ District- Supaul

1. MD SALAUDDIN @ MD SALAUDDIN ANSARI SON OF MD IDMOHAMMAD ANSARI @ EID MOHAMMAD ANSARI Resident of Ward No.- 09, Bhawanipur Uttar Duania ward no. 9, P.S.- Pratapganj, District- Supaul, Bihar
2. MD. ALAUDDIN @ MD. ALAUDDIN ANSARI SON OF MD IDMOHAMMAD ANSARI @ EID MOHAMMAD ANSARI Resident of Ward No.- 09, Bhawanipur Uttar Duania ward no. 9, P.S.- Pratapganj, District- Supaul, Bihar

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Satyendra Kumar Jha, Adv.
For the Opposite Party/s : Mr. Prem Kumar Jha, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 16-02-2023 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

Petitioners seek bail in connection with Pratapganj P.S. Case No. 09/2020 registered for the offences punishable under Sections 341, 447, 324, 325, 379, 354(A), 504, 506 read with Section 34 of the I.P.C. but the police after investigation submitted the charge sheet against the petitioners under Sections 341, 447, 323, 324, 325, 354(A), 504, 506, 326, 304 read with Section 34 of the Indian penal Code.

The allegation against the petitioners and others is of assault on the informant and her family members leading to



injuries and specifically against these two petitioners is of assault by *lathi, danda and farsa*, which resulted in fracture on the leg of the mother-in-law of the informant and also on the leg of the father-in-law, who later on succumbed to the injury.

Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case. He further submits that there is case and counter case between the parties and it appears from the F.I.R. that there is general and omnibus allegation against the petitioners. There is no specific allegation of assault or overt act against these petitioners and co-accused, namely, Eid Mohammad Ansari has been granted bail by a co-ordinate Bench of this Court vide order dated 21.09.2020 passed in Cr. Misc. No.24582 of 2020, co-accused namely Md. Najam Ansari has been granted bail vide order dated 22.11.2021 passed in Cr. Misc. No.22792 of 2021, co-accused namely, Jarina Khatoon @ Rubina Khatoon & Others have been granted anticipatory bail vide order dated 08.06.2021 passed in Cr. Misc. No.5434 of 2021 and co-accused namely Hasna Bano @ Husna Bano has been granted anticipatory bail vide order dated 09.06.2021 passed in Cr. Misc. No. 23638 of 2021. The police after investigation submitted the charge sheet against the petitioners



on 16.03.2021 and the petitioners are in custody since 06.04.2022.

The learned Additional Public Prosecutor opposed the prayer of bail.

Considering the aforesaid facts and circumstances, let the petitioners, above named, 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 Court below where the case is pending in connection with Pratapganj P.S. Case No. 09/2020, subject to the following conditions:-

1. Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

2. If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent,



the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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