

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.61695 of 2023**

Arising Out of PS. Case No.-189 Year-2023 Thana- GAIGHAT District- Muzaffarpur

1. Ali Hussain Son Of Late Amrudh Ansari Resident Of Village- Gaysudinpur,  
P.S- Gaighat, Distt- Muzaffarpur
2. Dilkash Ansari Son Of Afaroj Ansari Resident Of Village- Gaysudinpur,  
P.S.- Gaighat, Distt- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Sunil Kumar Pandey, Advocate

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

**CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR**  
**ORAL ORDER**

2      16-10-2023                      At the outset, Mr. Sunil Kumar Pandey, learned counsel for the petitioners submits that during the pendency of the present application, the petitioner no. 2 has already been arrested and, as such, he is not pressing the application on his behalf.

2. Heard Mr. Sunil Kumar Pandey, learned counsel appearing on behalf of the petitioners and the learned Additional Public Prosecutor for the State.

3. The petitioner no. 1 (Ali Hussain), apprehends his arrest in connection with Gaighat P.S. Case No. 189 of 2023, registered for the offences punishable under Sections 341, 323, 307, 354, 379 and 504/34 of the Indian Penal Code.



4. Allegedly, while the informant was in her house, she heard the screaming of her daughter-in-law, who was forcibly taken away by co-accused. When the informant objected co-accused Dilkash Ansari, Ahmad Ansari and Afroj Ansari abused and assaulted and further disrobed her. It is further alleged that when Hadisa Khatoon came in her rescue, five accused persons including the petitioners assaulted her by means of lathi, danda, sword and rod due to which she sustained injury. Further allegation of snatching of valuables have also been levelled against accused persons.

5. Learned counsel appearing on behalf of the petitioners submits that the petitioners are agnates and on account of a trifle, a free fight has taken place, which resulted into lodging of the present FIR. He next submits that so far the petitioner no. 1 is concerned, there is omnibus allegation that he along with four others have assaulted Hadisa Khatoon, however, from the impugned order, it appears that so far the nature of injury sustained to the informant is concerned, that has been shown to be grievous in nature, but the nature of injury sustained to Hadisa Khatoon is concerned, the same has not been disclosed and thus, *prima facie*, it appears to be simple in nature. He next submits that the petitioner has absolutely fair



antecedent and he undertakes that he will fully co-operate in the investigation or in the proceeding of the Court.

6. On the other hand, learned counsel for the State opposed the pre-arrest bail application.

7. Regard being had to the submissions made on behalf of the parties and taking into consideration the omnibus nature of allegation and the fair antecedent of the petitioner, coupled with the nature of injury, let the petitioner no. 1 (Ali Hussain) above named be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1<sup>st</sup> Class, Muzaffarpur in connection with Gaighat P.S. Case No. 189 of 2023, subject to the conditions laid down in Section 438(2) Cr.P.C. with the further condition that one of the bailors shall be the own/close family members of the petitioner.

**(Harish Kumar, J)**

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