

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61662 of 2022

Arising Out of PS. Case No.-15 Year-2021 Thana- DHURAIYA District- Banka

1. MD. HASIM ANSARI Son of Md. Safique Ansari Resident of Village - Goshsanda, P.S. - Dhoraiya, District - Banka.
2. Md. Javed Ansari Son of Md. Israeel Ansari @ Israil Ansari Resident of Village - Goshsanda, P.S. - Dhoraiya, District - Banka.
3. Md. Israeel Ansari @ Israil Ansari @ Israil Son of Md. Safique Ansari Resident of Village - Goshsanda, P.S. - Dhoraiya, District - Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pankaj Kumar, Adv.

For the Opposite Party/s : Mr.Umeshanand Pandit, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 13-03-2023 Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

The petitioners apprehend their arrest in a case registered for the offence punishable u/s 147, 149, 323, 324, 379, 354, 504 and 506 of the IPC.

As per the prosecution case, the F.I.R. named accused persons including the petitioners, forming an unlawful assembly started abusing and assaulting the informant on the pretext of quarrel between the children. The petitioners indiscriminately assaulted the informant's side by means of brick and knife.

It is submitted by learned counsel for the petitioners that



petitioners are quite innocent and have committed no offence. They have been falsely implicated in this case due to ulterior motive. No such occurrence, in the manner as alleged, has ever taken place. The allegation leveled against the petitioners is not specific rather general and omnibus in nature. For the alleged occurrence, there is case and counter-case between the parties and both sides have sustained injuries, which are simple in nature. It is further submitted that there is inordinate delay of more than four days in lodging the F.I.R. The alleged occurrence is said to have been taken place on 14.01.2021 but the F.I.R. has been lodged on 19.01.2021 without assigning any plausible explanation, which itself creates doubt about the prosecution case. Petitioner no.1 has one criminal antecedent, which is mentioned in para-3 of the supplementary affidavit and petitioner no.2 & 3 have no criminal antecedent, as mentioned in para-3 of the bail application.

Learned APP for the State opposed the prayer for bail.

Having regard to the facts and circumstances of the case and considering the nature of injury, let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/-



(Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/Successor Court in connection with Dhoraiya P.S. Case No.15 of 2021, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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