

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71711 of 2022**

Arising Out of PS. Case No.-592 Year-2019 Thana- MAHUA District- Vaishali

1. Md. Raji Ansari @ Md. Razi Ansari @ Munna Ansari Son Of Abdul Rajjaque Ansari R/O Village- Rampur Singhara, P.S.- Mahua, District- Vaishali
2. Md. Aftab Alam Son Of Mahmud Alam @ Md. Mahmood Alam R/O Village- Baghi, P.S.- Motipur, District- Muzaffarpur

... .. Petitioners

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s :	Mr. Ashhar Mustafa, Advocate
For the Opposite Party/s :	Mr. Md. Aslam Ansari, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 15-05-2023 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners in the present case are seeking pre-arrest bail in connection with Mahua (Vaishali) P.S. Case No. 592 of 2019 registered for the offences punishable under Sections 341, 323, 324, 308 read with section 34 of the Indian Penal Code.

Learned counsel for the petitioners has submitted that the petitioner no. 1 has got two criminal antecedents, however, in both the cases, he is on bail and this, he has confirmed personally.

As per the prosecution story, when the informant with his son was going to market they were encircled by Md. Raji



Ansari @ Munna Ansari and his brother Md. Rizwan Ansari accompanied by their brother-in-law Md. Aftab and they assaulted the informant and his son causing injury on the hand of the informant and on the head of the informant's son.

Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case merely to exert criminal pressure and effect compromise in the first case registered by the petitioner against the informant. It is submitted that except for Section 308 IPC, all sections are bailable in nature.

Learned APP for the State has opposed the anticipatory bail of the petitioners.

Having regard to the facts and circumstances of the case, wherein it is submitted that there is a case and counter case between the parties, the petitioner no. 1 had been earlier assaulted by the informant side as a result of which he suffered as many as five injuries, one of the injuries has been caused by an instrument having sharp edge whereas the informant and his son are said to have suffered two injuries each which had been caused by a hard and blunt substance and those injuries are simple in nature, this Court directs release of the petitioners above named on bail in the event of their arrest or surrender



within a period of four weeks from today in connection with Mahua (Vaishali) P.S. Case No. 592 of 2019 on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned CJM, Vaishali at Hajipur, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

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.

This application stands allowed.

(Rajeev Ranjan Prasad, J)

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