

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71051 of 2023**

Arising Out of PS. Case No.-355 Year-2023 Thana- SASARAM MUFFSIL
District- Rohtas

- =====
1. MOJBUL ANSARI @ MUJABUL ANSARI S/O ILAHI ANSARI R/O VILLAGE- KARUP, INDRAHIYAN, P.S- SASARAM(MUFFASIL), DISTT.- ROHTAS AT SASARAM.
 2. ISTAKHAR ANSARI S/O SABBIR ANSARI R/O VILLAGE- KARUP, INDRAHIYAN, P.S- SASARAM(MUFFASIL), DISTT.- ROHTAS AT SASARAM.

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Babu Nandan Prasad
For the Opposite Party/s : Mr.Mithlesh Kumar Khare

=====

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 08-11-2023 Heard Mr. Babu Nandan Prasad, learned counsel for the

petitioners and Mr. Mithlesh Kumar Khare, learned A.P.P. for the

State.

The petitioners apprehend their arrest in connection
with Sasaram (Muffasil) P.S. Case No. 355 of 2023 dated
26.06.2023 registered for the offence under Sections 341, 323,
354(B), 504, 379, 34 of the Indian Penal Code.

The petitioners are alleged to have assaulted the
informant by means of lathi and tried to outrage her modesty and
her father has also been assaulted by the petitioners and
snatched the golden chain of his father.

Learned counsel appearing for the petitioners submits



that the petitioners are innocent and have falsely been implicated in this case. He further submits that petitioner No. 1 is having one criminal antecedent and petitioner No.2 bears the clean antecedent. He further submits that the allegation, as alleged in the F.I.R., is false and fabricated and the petitioner has not committed any offense. He further submits that petitioner No.1 happens to brother-in-law of the informant and petitioner No.2 happens to be nephew of the petitioner and they have not assaulted the informant. He further submits that the injury report does not contain the F.I.R. number and the injuries sustained by the informant are opined to be 7-10 days old which creates doubt over the veracity of the injury report as well as the prosecution case.

Learned A.P.P. for the State vehemently opposed the prayer for bail of the petitioner and there is direct allegation of assault against the petitioners.

Considering the facts and circumstances of the case, let the, above named, petitioners, in the event of their arrest or surrender before the court below within a period of four weeks, 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 learned Chief Judicial Magistrate, Sasaram Rohtas in connection with Sasaram (Muffasil) P.S. Case No. 355 of 2023, subject to the conditions laid down under Section 438(2) of the



Cr.P.C. as also with 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 canceled 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.

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)

brajesh/-

U		T	
---	--	---	--

