

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75578 of 2023

Arising Out of PS. Case No.-348 Year-2023 Thana- OBRA District- Aurangabad

1. Md. Sagir Ansari S/O. Late Siddique Ansari Resident Of Village - Rasulbag, P.S. - Obra, District - Aurangabad (BIHAR)
2. Md. Mahtab Alam Ansari Son Of Late Md. Ali Resident Of Village - Rasulbag, P.S. - Obra, District - Aurangabad (BIHAR)
3. Mokhtar Hasan Son Of Md. Sagir Resident Of Village - Rasulbag, P.S. - Obra, District - Aurangabad (BIHAR)
4. Gulam Mustafa Son Of Md. Hanif Resident Of Village - Rasulbag, P.S. - Obra, District - Aurangabad (BIHAR)
5. Md. Tanveer Alam @ Tanveer Ahmad (PINTU) @ Tanveer Ahmad Son Of Md. Rafique Resident Of Village - Rasulbag, P.S. - Obra, District - Aurangabad (BIHAR)
6. Mustafa @ Gulam Mustafa Son Of Sikandar Ali Resident Of Village - Rasulbag, P.S. - Obra, District - Aurangabad (BIHAR)
7. Md. Shamsul Haque Son Of Late Sarfuddin Resident Of Village - Rasulbag, P.S. - Obra, District - Aurangabad (BIHAR)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Bhaskar Shankar
For the Opposite Party/s	:	Mr.Vinod Shanker Modi
For the Informant/s	:	Mr. Dharmendra Kumar Singh

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 13-12-2023 Learned counsel for the petitioners is permitted to remove the defect(s), as pointed out by the office, if any, within a period of three weeks from today.

2. Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State as well as learned counsel for the informant.



3. The petitioners are apprehending their arrest in connection with Obra P.S. Case No. 348 of 2023 dated 04.08.2023 registered for the offences punishable under Sections 341, 323, 504, 379, 307 and 325 read with 34 of the Indian Penal Code.

4. As per the prosecution case, the petitioners and the co-accused persons are alleged to have assaulted the informant with *lathi* and iron rod. When the informant's son came to rescue, the co-accused Md. Isha and Gulam Asraf assaulted him with iron rod. It is further alleged that Jawed Kamal took away Rs. 10,000/- from the pocket of the informant and also snatched golden ring from the brother of the informant. The accused Mahfuj Alam also snatched mobile phone and watch from Jahangir Alam.

5. Learned counsel for the petitioners has submitted that the petitioners have falsely been implicated in this case. There is general and omnibus allegation against the petitioners. The specific allegation of assault is against the co-accused Md. Isha and Md. Gulam Ashraf. The injury of the informant is simple in nature whereas the injury of the informant's son is grievous in nature which is caused by the blow given by the co-accused persons Md. Isha and Md. Gulam Ashraf. The



petitioner No. 2, 3, 4, 5 and 7 have no criminal antecedent 1
whereas the petitioner No. 1 is accused in two other criminal
cases and petitioner No. 6 is accused in one more criminal case
as stated in para 3 of the bail petition.

6. Learned A.P.P. for the State as well as learned
counsel for the informant have vehemently opposed the prayer
of anticipatory bail of the petitioners.

7. Considering the aforesaid facts and circumstances
of the case, let the above named petitioners, in the event of their
arrest/surrender within a period of six weeks from today, be
enlarged on anticipatory bail on furnishing bail-bond of Rs.
20,000/- (Rupees Twenty thousand) each with two sureties of
the like amount each to the satisfaction of learned Court
concerned, Daudnagar, Aurangabad in connection with Obra
P.S. Case No. 348 of 2023, subject to conditions as laid down
under Section 438(2) of the Code of Criminal Procedure.

8. This application stands allowed.

(Chandra Prakash Singh, J)

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