

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76366 of 2023

Arising Out of PS. Case No.-205 Year-2023 Thana- KHANPURA District- Samastipur

Md Anwarul Ansari Son Of Late Usman Ansari Resident Of Village Jahangir,
P.S.- Kothia, P.S.- Khanpur, District- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. S. Jamil Akhtar, Advocate

For the Opposite Party/s : Mr. Md. Ataur Rahman, APP

CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

2 04-12-2023 1. Heard the learned Advocate for the petitioner and
the learned Additional Public Prosecutor for the State.

2. The instant Criminal Miscellaneous Application arises out of F.I.R., bearing Khanpur P. S. Case No. 205 of 2023, instituted for the offences punishable under Sections 341, 323, 324, 325, 34 (B), 504, 506 and 34 of the Indian Penal Code.

3. It appears from the F.I.R. filed by one Jahangir Ansari that on 29th of July, 2023, eight numbers of miscreants along with the present petitioner, entered into the house of the informant, wrongly restrained them, assaulted the daughter of the informant and other inhabitants of the said house. One of the accused had torn the wearing apparels of the daughter of the informant to disrobe her and also to intimidate and insult the



informant and his family members in public.

4. On the basis of the said F.I.R., a case under Sections 341, 323, 324, 325, 354(B), 504, 506 and 34 I.P.C. was initiated.

5. It is submitted by the learned Advocate for the petitioner, named, Md. Anwarul Ansari, that as per the F.I.R., the petitioner assaulted the daughter of the informant with the help of *Farsa*, causing lacerated injury on upper lips with fracture of mandibular lip, lateral incisor and canine.

6. It is submitted by the learned Advocate for the petitioner that the petitioner is an old ailing man, aged about 60 years. He is suffering from different ailments inside the jail and therefore, he has been shifted to the hospital for his medical treatment. The allegation made against the petitioner is false and he has been implicated due to property dispute between two families. Therefore, the petitioner prays for bail.

7. From the formal F.I.R., it is ascertained that the offence under Sections 341, 323, 324, 325, 504 and 506 I.P.C. are bailable in nature. When police initiated the case under Section 325 I.P.C., the ingredients of Section 326 I.P.C. read with Section 320 of the I.P.C. is believed to be absent. There is no allegation against the petitioner of disrobing the daughter of



the informant.

8. Though the learned Additional Public Prosecutor has raised objection against the prayer for bail, this Court is of the view that on the basis of finding made hereinbefore, the petitioner is entitled to be released on bail.

9. Accordingly, the petitioner, above-named, may be granted bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each, one of whom must be a local surety, to the satisfaction of the learned Judicial Magistrate 1st Class, Samastipur with further condition that he must comply the conditions, namely, he would not persuade or threaten the witnesses and would be present in the court below during trial on all dates.

10. Failure on the part of the petitioner to comply with any of the above directions will entail the learned court below to cancel the bail without any further order.

(Bibek Chaudhuri, J)

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