

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77719 of 2023

Arising Out of PS. Case No.-197 Year-2023 Thana- NAWADA MUFFASIL District- Nawada

1. Adil Raeen @ Adil Ansari, aged about 18 years, Male, Son of Nasimuddin @ Nasid Ansari @ Lallu, resident of Village -Shahpur, Police Station-Mufassil, District- Nawada.
2. Azad Raeen @ Azad Ansari, aged about 28 years, Son of Iliyas @ Iliyas Raeen @ Iliyas Ansari, resident of Village -Shahpur, Police Station-Mufassil, District- Nawada.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners	:	Mr. Rajeev Nayan, Advocate
For the Opposite Party	:	Mr. Tarkeshwar Nath Thakur, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 30-11-2023 Learned counsel for the petitioners seeks permission to withdraw the prayer for grant of anticipatory bail filed on behalf of the petitioner no. 2, namely, Azad Raeen @ Azad Ansari in connection with Mufassil (Nawada) P.S. Case No. 197 of 2023, pending in the court of learned Additional Chief Judicial Magistrate-I, Nawada or successor court.

2. Permission is accorded.

3. Accordingly, the prayer for grant of anticipatory bail filed on behalf of the petitioner no. 2, namely, Azad



Raeen @ Azad Ansari is dismissed as withdrawn.

4. Learned counsel for the petitioner no. 1 is permitted to remove the defect(s), as pointed out by the office, if any, within a period of three weeks from today.

5. Heard learned counsel for the petitioner no. 1 and learned Additional Public Prosecutor for the State.

6. The petitioner no. 1 is apprehending his arrest in connection with Mufassil (Nawada) P.S. Case No. 197 of 2023 dated 28.06.2023 registered for the offence punishable under Sections 147, 148, 149, 341, 323, 324, 307 and 379 of the I.P.C.

7. As per the prosecution case, while the informant alongwith his cousin Jaideo Kumar was returning to his village from Maharajganj by the Motorcycle and on the way to their village, Adil Ansari (petitioner no. 1) armed with Lathi and the co-accused Md. Azad Raeen @ Azad Ansari armed with pistol alongwith eight to ten persons assaulted the informant with lathi, fists and legs and they snatched golden Ear-rings, mobile phone and motorcycle from him, the accused persons also snatched gold chain of his brother Jaideo Kumar and cash of Rs. 1400/- from his pocket.



8. Learned counsel for the petitioner no. 1 has submitted that he is innocent and has been falsely implicated in this case. No incriminating article has been recovered from his conscious possession. It is submitted that the injury sustained by the informant is found to be simple in nature. Hence, Section 307 of the I.P.C. is not applicable in the present case. As far as injury sustained by the cousin of the informant is concerned, there is no injury report on the record. The occurrence took place due to cricket match. The petitioner no. 1 has clean antecedent as stated in paragraph no. 3 of the bail application.

9. Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioner no. 1.

10. Considering the aforesaid facts and circumstances of the case as well as the injury being simple in nature, let the above named petitioner no. 1, namely Adil Raeen @ Adil Ansari (except the petitioner no. 2, namely, Azad Raeen @ Azad Ansari), in the event of his arrest/surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail bond of Rs. 20,000/- (Twenty Thousand) with two sureties of the like



amount each to the satisfaction of learned Court concerned,
Nawada or successor court in connection with Mufassil
(Nawada) P.S.Case No. 197 of 2023, subject to the
condition as laid down under Section 438(2) of the Code of
Criminal Procedure.

11. The application stands allowed.

(Chandra Prakash Singh, J)

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