

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21806 of 2024

Arising Out of PS. Case No.-130 Year-2022 Thana- KOPA District- Saran

1. Kamaluddin Ansari, S/o Aliraja Ansari, R/o Village- Tarwan Pojhiya, P.S.- Kopa, District- Saran
2. Jafaruddin Ansari, S/o Gani Ansari, R/o Village- Tarwan Pojhiya, P.S.- Kopa, District- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anjani Parashar, Advocate

For the Opposite Party/s : Mr. Syed Ehteshamuddin, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 04-04-2024 Heard learned counsel for the petitioners and learned
APP for the State.

2. In this present case, the petitioners are apprehending their arrest in connection with Kopa P.S. Case No. 130 of 2022, registered for the offences under Sections 341, 342, 323, 324, 376 and 511/34 of the Indian Penal Code.

3. As per prosecution case, co-accused persons sexually assaulted the minor informant when she and her mother went outside their house for attending the call of nature. When the brother of the informant came back from the house of the co-accused persons, the petitioners came to the house of the informant and assaulted the informant and his family members with legs, fists and knife.

4. Learned counsel for the petitioners submits that the



petitioners are innocent and have been falsely implicated in this case. There is no allegation of sexual assault against the petitioners and only allegation against the petitioners is that they assaulted the family members of the informant with fists and knife but the injury report shows only simple injuries on the victims and the injuries are mostly abrasion, pain and swelling and all the injuries are simple in nature. There is no injury of any knife blow on the victims. There is case and counter case and Kopa P.S. Case No. 131 of 2022 has been lodged against the informant side. The police after investigation submitted charge-sheet only against co-accused persons under Section 341, 342, 323, 324 and 354(B) of IPC but the learned Judicial Magistrate took cognizance against the petitioners as well as for the aforesaid offence. Learned counsel further submits that the petitioners have no criminal antecedent.

5. Learned APP opposes the prayer for anticipatory bail.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the nature of allegations against the petitioners which is not corroborated by injury report and further considering the clean antecedent of the petitioners coupled with possibility of false implication, let the petitioners above named, in the event of their arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail



bonds of Rs. 10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class-XII, Saran at Chapra/concerned court in connection with Kopa P.S. Case No. 130 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the petitioners.
- (ii) The petitioners will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

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