

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33827 of 2024

Arising Out of PS. Case No.-223 Year-2023 Thana- KHANPURA District- Samastipur

Chhotakun Ansari @ Md. Chhotakun Ansari Son of Rasid Ansari @ Md. Rasid Ansari Resident of Village - Bujurgdwar, Police Station - Khanpur, District - Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ujjawal Kumar Singh, Advocate

For the Opposite Party/s : Mr. Ram Bilash Roy Raman, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 23-05-2024

Heard the parties.

2. The petitioner is apprehending his arrest in connection with Khanpur P.S. Case No. 223 of 2023 for the offence under sections 341, 323, 307, 504, 34 of the I.P.C. lodged on 18.08.2023 by the informant, Maskur.

3. As per the prosecution story, the informant alleged that he was going to see the Muharram procession when the accused persons surrounded and thereafter, attacked. The specific allegation is against Md. Haider and Md. Sohaib of using iron nails to injured him on his head. He became unconscious and later, reached IGIMS, Patna from where the FIR lodged.

4. Learned counsel for the petitioner submits that



though his presence has been shown, specific allegation is against Md. Haider and Md. Sohaib. Further, he do not have criminal antecedent.

5. Learned APP opposes the prayer stating that while he was going to attend Muharram procession, all the accused persons including this petitioner surrounded and attacked.

6. Though the presence of the petitioner is there, specific allegation is against Md. Haider and Md. Sohaib of attacking on the head of the informant causing serious injuries, the petitioner do not have criminal antecedent, this Court is inclined to extend him the privilege of anticipatory bail with conditions.

7. Let the petitioner be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Judicial Magistrate-1st Class, Samastipur, in connection with Khanpur P.S. Case No. 223 of 2023 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show



his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

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