

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43422 of 2024

Arising Out of PS. Case No.-360 Year-2020 Thana- SHIVSAGAR District- Rohtas

1. Ishu Ansari Son Of Sahabuddin Ansari Village- Biyarbandh, P.S.- Shivsagar, Distt.- Rohtas
2. Babu Ali Ansari Son Of Sahabuddin Ansari Village- Biyarbandh, P.S.- Shivsagar, Distt.- Rohtas
3. Khairuddin Ansari Son Of Sarbuddin Ansari Village- Biyarbandh, P.S.- Shivsagar, Distt.- Rohtas

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sadanand Roy
For the Opposite Party/s : Mr.Manoj Kumar

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 13-09-2024 Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in a case in connection with Shivsagar P.S. Case No. 360 of 2020 dated 23.11.2020 registered for the offence/s punishable u/ss 341, 323, 324, 379 read with 34 of the Indian Penal Code.

3. As per the prosecution case, the accused persons entered the house of the informant and started assaulting the informant and also committed theft of Rs. 20,000/- in cash, a golden chain and other articles. The further allegation is that the 12 accused persons gave *garasa* blow on the head of the



informant which resulted into injury and the informant became unconscious and thereafter his son took him to the hospital for treatment. The injured person, namely, Md. Unis Ansari gave fardbeyan which resulted into the lodging of the F.I.R. The informant subsequently succumbed to the injuries.

4. Learned counsel for the petitioners has submitted that the petitioners are innocent and have falsely been implicated in this case. Nothing has been recovered from the possession of the petitioners. There is general and omnibus allegation against the petitioners. The other co-accused persons have already been granted regular bail by this court vide order dated 19.09.2022 passed in Criminal Misc. No. 35778 of 2022. The petitioners have two criminal antecedent as stated in para 3 of the bail petition.

5. Learned A.P.P. for the State has vehemently opposed the anticipatory bail petition of the petitioners and submitted that there is specific allegation against the petitioners to enter the house and assaulted the informant with Garasa due to that he succumbed to the injuries.

6. Considering the aforesaid facts and circumstances of the case as well as the specific and the heinous nature of allegation against the petitioners, I am of the view that no case



for grant of anticipatory bail is made out and the same is rejected with direction to the petitioners to surrender before the Court below concerned within eight weeks from the date of this order and the prayer for regular bail, the learned Court below will consider their prayer for regular bail in accordance with law without being prejudiced by this order.

7. The application stands rejected.

(Chandra Prakash Singh, J)

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