

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55489 of 2024

Arising Out of PS. Case No.-145 Year-2024 Thana- PHULWARIYA District- Gopalganj

1. Qyamuddin Ansari @ Qyamudin Ansari @ Kayamuddin Ansari S/o Ali Hasan Ansari @ Ali Hussain @ Ali Hasan @ Ali Hasan Mian R/o vill - Gosai Manjha, P.s.- Phulwariya, Distt. - Gopalganj
2. Ali Hussain @ Ali Hasan @ Ali Hasan Ansari @ Ali Hasan Mian S/o Late Feku Mian R/o vill - Gosai Manjha, P.s.- Phulwariya, Distt. - Gopalganj
3. Amir Hasan Ansari @ Mir Hasan @ Mir Hasan Ansari S/o Late Feku Mian R/o vill - Gosai Manjha, P.s.- Phulwariya, Distt. - Gopalganj
4. Wazir Ansari @ Ojir Ansari @ Wojir Ansari S/o Ali Hasan Ansari @ Ali Hussain @ Ali Hasan @ Ali Hasan Mian R/o vill - Gosai Manjha, P.s.- Phulwariya, Distt. - Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Lokesh Kumar Singh
For the Opposite Party/s : Mr.Sanjay Kumar Tiwary

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 03-09-2024 1. Heard learned counsel for the petitioners and learned A.P.P. for the State.
2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 341, 323, 324, 307, 504, 506, 379 and 34 of the Indian Penal Code.
3. Learned counsel for the petitioners submits that the petitioners are persons with clean antecedent and have been falsely implicated in the instant case by the informant. It is next submitted that informant alleges that on 7-4-2024 at 3 PM, he was at his home, when his younger brother went to mango orchard with his friends, when at that time son of Ali Hasan, namely Qyamuddin Ansari and Wazir Ansari started abusing his younger brother and



assaulted him by *danda* causing injury on his back and cheek, thereafter his father went to the place of occurrence when he was assaulted by Mir Hasan by a *tangi* causing injury on head, further his father was lying in an unconscious state and thereafter the villager took him to the hospital for treatment from where he was referred to PMCH for better treatment.

4. Learned counsel for the petitioners submits that from perusal of allegation as alleged in the FIR, it would manifest that the same does not inspire confidence for the reason that informant is not an eye witness to the occurrence nor the FIR even remotely suggests that on what basis he alleges that it was Mir Hasan who assaulted his father. It is next submitted that no doubt father of the informant suffered some injuries but then how those injuries were caused is not known to the petitioners. It is next submitted that father of the informant was admitted in PMCH on 8-4-2024 and thereafter was discharged on 10-4-2024 and the instant FIR came to be instituted on 19-4-2024, i.e., after a delay of more than 12 days of the occurrence, which casts an aspersion on the case of the prosecution. It is further submitted that had the father of the informant been assaulted in the manner as alleged in the FIR in that event the *fardbayan* of the informant or his father would have been recorded at PMCH itself.

5. Learned A.P.P. for the State and the learned counsel



appearing on behalf of the informant opposes the prayer for anticipatory bail of the petitioners but then are not in a position to rebut the submission of the learned counsel appearing on behalf of the petitioners that FIR was instituted after a delay of 12 days and the father of the informant was discharged from PMCH on 10-4-2024.

6. Considering the submissions made by the learned counsel for the petitioners, the petitioners above-named, in the event of their arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Phulwaria P.S. Case No. 145 of 2024, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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