

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69812 of 2024

Arising Out of PS. Case No.-533 Year-2023 Thana- BUXAR MUFFSIL District- Buxar

Sahadat Ansari @ Md. Sahadat Ansari Son of Late Suleman Ansari R/O Vill.-
Katgharwa, P.S.- Buxar(M), Dist.- Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Dr. Kamal Deo Sharma, Advocate
For the Opposite Party/s :	Mr. M K Nirala, APP
For the Informant :	Mr. Amit Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 18-12-2024 Heard the learned Advocate for the petitioner and the
learned APP for the State.

2. The petitioner apprehends his arrest in connection
with Buxar (Muffasil) P.S. Case No. 533 of 2024, registered for
the offences punishable under Sections 341, 323, 504, 506 and
354(B) of the Indian Penal Code.

3. Based upon the written report, the prosecution
alleges that on the fateful day, while the informant was coming
from the market, in the meantime, all the FIR named accused
person caught hold her and assaulted by means of *lathi* and
danda and given threatening to compromise the earlier case. It
is also alleged that when the informant did not get ready to
compromise the matter, her clothes were torn and ravished. It is
further contended that when the daughter of the informant
reached to save her mother, she was also assaulted by accused



persons. The accused persons also molested the daughters of the informant.

4. Learned Advocate for the petitioner drawing the attention of this Court to the FIR contended that save and except the implication of the name of the petitioner in the FIR, there is no allegation of any specific participation. It is further contended that the petitioner is non-else but the wife of the elder son of the petitioner. On account of family feud, several FIR's have been instituted by the informant and her family members, the particulars of which have also been mentioned in paragraph no. 3. The petitioner is an old ailing person, aged about 73 years. There is a counter version of the present case being Buxar (Muffasil) P.S. Case No. 534 of 2023.

5. On the other hand, learned Advocate for the State as well as the informant opposed the pre-arrest bail application and submits that apart from the fact that the petitioner has actively participated in the crime and caught hold the informant and assaulted her, the petitioner also bears six criminal antecedent, out of which, the petitioner has been convicted in two cases, the copy of the judgments have been produced before this Court.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the informant



is non-else but the wife of the elder son and there is a long standing enmity between the parties, resulting into case and counter case, coupled with the fact that the judgments, which have been produced before this Court, the petitioner has been convicted for simple imprisonment of three months and in another case, he has been given the benefit of Section 3 of the Probation of Offender Act, 1988, after due admonition, let the petitioner above named be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-VI-cum-Special Court, POCSO Act, Buxar in connection with Buxar (Muffasil) P.S. Case No. 533 of 2024, subject to the conditions laid down in Section 438(2) Cr.P.C. with the further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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