

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73361 of 2023

Arising Out of PS. Case No.-163 Year-2023 Thana- RAMGARH District- Kaimur (Bhabua)

1. Ibrar Ansari Son Of Ali Muhammed Resident Of Village- - Matiyari, Ps-
Ramgarh, Distt- Kaimur
2. Istakhar Ansari Son Of Ali Muhammed Resident Of Village- - Matiyari, Ps-
Ramgarh, Distt- Kaimur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Pawan Kumar Singh, Adv.
For the Opposite Party/s	:	Mr.Amitesh Kumar, APP
For the Informant	:	Mr.Sanjay Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

6 19-04-2024 Heard learned Counsel for the petitioners, counsel
for the informant and learned APP for the State.

2. The petitioners are apprehending arrest in a case registered for the offences punishable in connection with Ramgarh P.S. Case No.163 of 2023 under Sections 341, 323, 337, 338, 307 and 34 of the Indian Penal Code.

3. As per the prosecution, the FIR has been lodged against 8 named accused persons and there is general and omnibus allegation against the present petitioners whereas those persons against whom allegation of assault by iron rod, has been granted anticipatory bail.

4. Learned counsel for the petitioners submits that the



petitioners are innocent and have committed no offence. He submits that the petitioners are falsely implicated in this case due to village politics and there is no specific allegation against the petitioners. The specific allegation is against the co-accused, namely, Imran Ansari.

5. Counsel also submits that antecedent of the petitioners are clean and many other accused persons have been granted bail by the Co-ordinate Bench of this Court.

6. Learned APP for the State opposes the prayer for bail and submits that this case has been lodged under section 307 of the I.P.C., but from the rejection order, it transpires that section 302 has been added and cognizance has also been taken under section 302 of I.P.C.

7. Learned counsel for the informant vehemently opposes the prayer for bail and submits that the petitioners have intentionally nowhere inserted in the petition that section 302 of I.P.C. has been added and only due to this impression that case has been lodged under section 307 of I.P.C., the anticipatory bail was granted by this Court to the other accused persons.

8. In the present facts and circumstances, the prayer for bail of the petitioners is hereby rejected. The petitioners are directed to surrender within a period of 4 weeks.



9. However, trial court shall consider the prayer for regular bail of the petitioners on the same day if they surrender within 4 weeks from today and pass final order in regular bail without prejudice of the order of the rejection.

(Dr. Anshuman, J.)

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