

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84794 of 2023

Arising Out of PS. Case No.-196 Year-2023 Thana- SATHI District- West Champaran

1. Izrail Ansari @ Md. Izrail, (Male), aged about 33 years, Son of Duaa Hakim Ansari @ Dova Hakim Ansari, R/O Village- Pakadihar, P.S.- Sathi, Dist.- West Champaran, Bettiah.
2. Rukhsar Khatoon @ Ruksar Khatoon, (Female), aged about 20 years, Daughter of Murtaza Ansari, Resident of Village - Pakadihar, P.S. - Sathi, District - West Champaran, Bettiah.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners	:	Mr. Gulfeshan, Advocate
For the State	:	Mr. Pramod Kumar Pandey, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

4 25-04-2024 Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Sathi P.S. Case No. 196 of 2023 dated 02.09.2023 registered for the offences punishable under Sections 341, 323, 354B, 379, 504 and 506/34 of the I.P.C.

3. As per the prosecution case, on 09.07.2023, while the informant was in her mango orchard, the co-accused Ibrahim Ansari came and started abusing her for withdrawal of earlier case. When she objected, the petitioners and the co-accused came with weapons and the co-accused Ibrahim Ansari thrashed



her on the ground after catching her hair and Izrail Ansari (petitioner no. 1) assaulted with iron rod causing head injury and tore her clothes. When her brother-in-law (Bhaisur) Habibullah Ansari came to rescue her, the co-accused Murutuza Ansari caught her from back and the co-accused Ibrahim Ansari assaulted with iron rod causing head injury. When her cousin brother-in-law (Bhaisur) Rahamtullah Ansari came to rescue the aforesaid two persons, Izrail Ansari (petitioner no. 1) assaulted with lathi causing head injury. When Famuddin Ansari came to save the aforesaid three persons, the co-accused Mannan Ansari assaulted him with Labida causing eye injury. When Dilkash Jahan Khatoon, the Dayadhin of the informant, came to rescue the aforesaid four persons, the co-accused Meraj Ansari assaulted with lathi causing head, leg, back and waist injuries. The co-accused Murutuza Ansari assaulted with lathi on the shoulder of Habibullah, the brother-in-law (Bhaisur) of the informant, causing shoulder injury. Rukhsar Khatoon (petitioner no. 2) and the co-accused Isa Ansari took the golden chain from the neck and ear-ring of the informant. On hulla, the accused persons fled away. The injured were brought to Chanpatia Hospital and from there they were brought to J.M.C.H., Bettiah, for better treatment.



4. Learned counsel for the petitioners has submitted that the petitioners are innocent and have been falsely implicated in this case. It is submitted that the occurrence took place on 09.07.2023 and the F.I.R. was lodged on 02.09.2023 for which no explanation has been given by the prosecution. It is further submitted that there is land dispute between the parties. There is case and counter case between the parties. The co-accused Ibrahim Ansari is the pattidar of the informant. It is further submitted that from perusal of injury report of all injured Afsana Khatoon, Habibullah Ansari, Rahamtullah Ansari, Famuddin Ansari and Dilkash Jahan Khatoon, it appears that all the injuries found on the aforesaid persons are simple in nature caused by hard and blunt substance. The petitioner no. 1 has two criminal antecedents and the petitioner no. 2 has clean antecedent as stated in paragraph no. 3 of the bail application.

5. Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioners.

6. Considering the aforesaid facts and circumstances of the case, let the above named petitioners, in the event of their arrest/surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail bond of Rs. 20,000/- (Twenty Thousand) each with two sureties of the like



amount each to the satisfaction of learned C.J.M., West Champaran (Bettiah) in connection with Sathi P.S. Case No. 196 of 2023, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure with further condition:-

(I) The petitioners are directed to remain physically present before the learned court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bonds of the petitioners are liable to be cancelled.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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