

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4648 of 2024

Arising Out of PS. Case No.-224 Year-2023 Thana- SARAIYA District- Muzaffarpur

Md Ibrar Ansari S/O Late Asraf Ali Ansari @ Asaraf Ansari R/O Village-
Kurtum Kolhua, P.S- Saraiya, Distt.- Muzaffarpur.

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 4650 of 2024

Arising Out of PS. Case No.-224 Year-2023 Thana- SARAIYA District- Muzaffarpur

1. Ahmad Ansari @ Ahadam Ansari son of Late Abdul Latif @ Latif Mian
Village- Kutrum Koluha Ps- Saraiya Dist- Muzaffarpur
2. Md. Azahar Ansari @ Md. Azahar son of Md. Kalam Ansari @ Md. Kalam
Village- Kutrum Koluha Ps- Saraiya Dist- Muzaffarpur
3. Momtaj Alam @ Md. Mumtaj @ Mumtaj Alam son of Jamir Ahmad
Village- Kutrum Koluha Ps- Saraiya Dist- Muzaffarpur
4. Naushad Alam son of Ahmad Ansari @ Md. Ahadam Ansari Village-
Kutrum Koluha Ps- Saraiya Dist- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 4648 of 2024)

For the Petitioner/s : Mr. Uday Prakash Sharma

For the Opposite Party/s : Mr. Narendra Kumar Singh

(In CRIMINAL MISCELLANEOUS No. 4650 of 2024)

For the Petitioner/s : Mr. Uday Prakash Sharma

For the Opposite Party/s : Mr. Narendra Kumar Singh

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL ORDER

3 29-04-2024

Cr. Misc. No.4648 of 2024

1. Heard learned counsel for the petitioner and learned

A.P.P. for the State.



2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 341, 323, 307, 504, 506 and 34 of the Indian Penal Code & Sections 3 & 4 of the Explosive Substance Act.

3. Learned counsel for the petitioner submits that petitioner has antecedent of two cases but is on police bail. It is further submitted that petitioner has been falsely implicated in the instant case by the informant with an allegation that he was carrying bomb while other accused persons were variously armed as detailed in the F.I.R. It is next submitted that from perusal of the allegation as alleged in the F.I.R., it would manifest that no one suffered any injury by bomb. It is further submitted that the F.I.R. has been instituted under the Explosives Substance Act only with a view to give serious colour to the case. It is next submitted that the side of the informant were the aggressor and they had assaulted the side of the petitioner, which led to institution of Saraiya P.S. Case No.225/2023 under sections 307, 323, 325, 379, 504, 506 and 34 of the Indian Penal Code read with Sections 3 and 4 of the Explosives Substance Act. It is next submitted that the informant side have been granted the privilege of anticipatory bail by the learned District Court itself. It is also submitted that



though there is allegation of cut injury on the head of the son of the informant but then the said injury is simple in nature and the F.I.R. does not specifically alleges that who assaulted him and by what.

4. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

5. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) 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 Saraiya P.S. Case No.224/2023, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

Cr. Misc. No.4650 of 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,



307, 504, 506 and 34 of the Indian Penal Code & Sections 3 & 4 of the Explosive Substance Act.

3. Learned counsel for the petitioners submits that petitioner no.1 and 2 are persons with clean antecedent, petitioner no.3 has antecedent of one case and petitioner no. 4 has antecedent of three cases. It is further submitted that both petitioner no.3 and 4 are on police bail. It is also submitted that petitioners have been falsely implicated in the instant case by the informant with general and omnibus allegation. It is next submitted that the son of the informant is alleged to have been assaulted on head causing injury but then the injury is simple in nature and the allegation in the F.I.R. of assault is general and omnibus in nature. It is further submitted that similarly situated co-accused Md. Ibrar Ansari has been granted the privilege of anticipatory bail by an order dated 29.04.2024 in Cr. Misc. No.4648/2024.

4. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

5. 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 Court below 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 Saraiya P.S. Case No.224/2023, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

6. However, the learned trial court before accepting the bail bonds of the petitioners shall verify their criminal antecedent and in the event if it is found that any of the petitioners have antecedent contrary to what has been recorded in the present order, in that event, their bail bonds shall not be accepted.

(Satyavrat Verma, J)

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