

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7438 of 2025

Arising Out of PS. Case No.-277 Year-2024 Thana- KATEYA District- Gopalganj

1. Kadir Ansari @ Kadir Alam @ Bablu @ Kadir S/o- Late Shamshad Ansari Village- Parsauni PS- Kateya District- Gopalganj
2. Abdul Malik Ansari @ Malik Ansari @ Abdul Malik @ Tanveer Alam S/o- Late Azad Ansari Village- Parsauni PS- Kateya District- Gopalganj
3. Irshad Ansari @ Sahil Ansari @ Sahi Ansari @ Shahil Ansari @ Shahil S/o- Gulab Ansari @ Gulab Hussain Ansari Village- Parsauni PS- Kateya District- Gopalganj
4. Isteyak Ansari @ Suhail Ansari @ Sohel Ansari @ Istrayak Ansari @ Sohel @ Sohel S/o- Gulab Ansari @ Gulab Hussain Ansari Village- Parsauni PS- Kateya District- Gopalganj
5. Arbaz Ansari @ Arbaz S/o- Dilshad Ansari Village- Parsauni PS- Kateya District- 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. Madan Kumar

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 24-03-2025 1. Heard learned Counsel for the petitioners and learned Additional Public Prosecutor for the State.
2. This application, for grant of anticipatory bail, arises out of Kateya Police Station Case No. 277 of 2024, dated 21.07.2024, disclosing offences under Sections 126(2)/115(2)/118(1)/109(1)/117(2)/352/351(2)/3(5) of the Bhartiya Nyaya Sanhita.
3. The prosecution case, as per the First Information Report, is that on 08.07.2024, two groups of informant's village



were fighting and when the son of the informant intervened, the petitioner no. 1 assaulted him. Later on, the matter was solved by the guardians of the fighting groups. It has further been alleged that on 10.07.2024, at about 04:30 PM, in the evening, when the informant was going to his field, all the accused persons, including the petitioners, with weapons and preplanned intention, surrounded the informant and started abusing him. The petitioner no. 1 ordered to kill the informant, upon which accused persons with an intention to kill, attacked him. The petitioner no. 1 assaulted on the leg of the informant by means of farsa, petitioner no. 2 assaulted him on his hand and back by means of iron rod, petitioner no. 3 assaulted him on leg by farsa, petitioner no. 4 assaulted him on leg by farsa and petitioner no. 5 assaulted the informant on his leg and hand by means of iron rod indiscriminately.

4. Learned counsel for the petitioners submits that the petitioners have not committed any offence in the manner alleged and they have falsely been implicated in the present case due to village politics. For the occurrence, dated 08.07.2024, an FIR, bearing Kateya Police Station



Case No. 278 of 2024, was lodged by another co-villager against the informant, his son and nephew. In the aforesaid FIR, it has been alleged that the informant's son and others tried to sexually assault the grand-daughter of the informant, but she somehow escaped, as such, the First Information Report, dated 08.07.2024, is the genesis of the present occurrence. Referring to the injury report, learned counsel submits that injuries sustained by the victim-informant are simple in nature.

5. On the other hand, learned counsel for the informant vehemently opposes the prayer for anticipatory bail and submits that there is specific allegation against the petitioner nos. 1, 2, 3, 4 and 5 of assault to the informant by means of farsa and iron rod. He next submits that on the date of occurrence, the informant was taken to the Referral Hospital, Kateya, where the doctors examined the informant and opined injuries as simple in nature caused by hard and blunt substance. Thereafter, the informant was referred to the Sadar Hospital, Gopalganj, and/or Higher Centre for better treatment. In the injury report, dated 19.09.2024, doctor has opined the injury as simple in nature on the ground that no evidence has been



produced in this regard. Learned counsel further submits that since the higher centre i.e. Maitreya Hospital, NH Gorakhpur Road Kasia, Kushinagar, was situated near the village of the informant, he was admitted to the Hospital on the next date i.e. 11.07.2024. Where he was operated on 12.07.2024 by Dr. Sanjay Patel, MM (Ortho) and was discharged on 16.07.2024. The informant has suffered injuries in his both hands and one leg. After being discharged from the Maitreya Hospital, the informant submitted his written report annexing all the reports/documents relating to the treatment given to him. He has also stated the reason behind delay in lodging the First Information Report and the treatment reports of the Maitreya Hospital as well as of the referral hospital. Learned counsel also submits that the police authority/investigation officer never considered the treatment reports and discharge summary issued by the Maitreya Hospital and the doctor and while issuing injury report, has also not taken into account the treatment given to the informant in Maitreya Hospital. As such, the injury report has been issued without considering the specialized treatment given to the informant, for which, the informant



has raised objection against the injury report of Medical Officer, Referral Hospital, Kateya, as well as the faulty investigation before concerned authorities by several representations, which have been annexed as Annexure-R-2/2 series to the counter affidavit.

6. I have heard submissions advanced by learned counsel for the parties and have gone through the materials available on records.
7. Prima facie it appears that simple injuries have been sustained by the informant caused by hard and blunt substance, as would be evident from the injury report issued by the Referral Hospital, Kateya. From perusal of the discharge summary, it appears that the informant was operated upon by the orthopedic surgeon on both hands and one leg. The allegation of assault on the informant on his hand by iron rod is against the petitioner no. 2, Abdul Malik Ansari @ Malik Ansari, and petitioner no. 5, Arbaz Ansari @ Arbaz, assaulted the informant by means of iron rod indiscriminately. The petitioner no. 1, 3 and 4 have allegedly assaulted the informant by farsa, which is sharp cutting weapon, thus, prima facie it appears that injuries caused to the informant was due to hard and blunt



substance.

8. Considering the fact that assault by iron rod is upon petitioner no. 2 and petitioner no. 5, I am not inclined to grant anticipatory bail to the petitioner nos. 2 and 5.
9. This application, in respect of petitioner nos. 2, namely, Abdul Malik Ansari @ Malik Ansari @ Abdul Malik @ Tanveer Alam, is dismissed.
10. Insofar as petitioner nos. 1, 3 and 4 are concerned, no sharp cut injuries have prima facie been shown on the person of the informant, as such, I am inclined to grant privilege of anticipatory bail to the petitioner nos. 1, 3 and 4.
11. This application, in respect of petitioner nos. 1, 3 and 4, is, accordingly, allowed.
12. Let the petitioner nos. 1, 3 and 4, namely Kadir Ansari @ Kadir Alam @ Bablu @ Kadir, Irshad Ansari @ Sahil Ansari @ Sahi Ansari @ Shahil Ansari @ Shahil and Isteyak Ansari @ Suhail Ansari @ Sohel Ansari @ Istrayak Ansari @ Sohel @ Suhel, respectively, in the event of their arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two



sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Gopalganj, in connection with Kateya Police Station Case No. 277 of 2024, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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