

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69840 of 2024

Arising Out of PS. Case No.-394 Year-2024 Thana- FORBESGANJ District- Araria

1. Md. Rais Ansari @ Md. Anwarul S/O Siraj Ansari Resident of Village- Rampur North ward No. 05, P.S- Forbesganj, District- Araria.
2. Wajuddin Ansari @ Wajuddin S/O Rasul Ansari Resident of Village- Rampur Dakshin ward No. 11, P.S- Forbesganj, District- Araria
3. Shahruk Ansari @ Sharuk S/O Safraz Ansari @ Sarfraz Ansari Resident of Village- Rampur Dakshin ward No. 11, P.S- Forbesganj, District- Araria.
4. Sarfraz Ansari @ Md. Sarfraz @ Saifraz Ansari @ Safraz Ansari S/O Rasul Ansari Resident of Village- Rampur Dakshin ward No. 11, P.S- Forbesganj, District- Araria.
5. Shadab Ansari @ Shadab S/O Siraj Ansari Resident of Village- Rampur Dakshin ward No. 11, P.S- Forbesganj, District- Araria.
6. Afroz Ansari S/O Rasul Ansari Resident of Village- Rampur Dakshin ward No. 11, P.S- Forbesganj, District- Araria.
7. Muntasir Ansari @Muntasir @ Mustasir @ Mustahir S/O Wajuddin Ansari Resident of Village- Rampur Dakshin ward No. 11, P.S- Forbesganj, District- Araria.
8. Ahsab Ansari @ Ashab S/O Siraj Ansari Resident of Village- Rampur Dakshin ward No. 11, P.S- Forbesganj, District- Araria.
9. Sabraj Ansari S/O Rahmat Ansari Resident of Village- Rampur Dakshin ward No. 11, P.S- Forbesganj, District- Araria.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mukesh Kumar Rana, Advocate
For the Opposite Party/s : Mr.Md. Fahimuddin, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 04-02-2026 Heard learned counsel appearing on behalf of the

petitioners and learned Additional Public Prosecutor appearing

on behalf of the State.

2. The accused/petitioners apprehending their

arrest in connection with Forbesganj P.S. Case No. 394 of



2024 registered for the offences punishable under Sections 147, 148, 149, 341, 323, 302, 504, 506 of the Indian Penal Code.

3. The allegation against the petitioners is to commit murder of the husband of the informant alongwith named co-accused persons by causing physical assault by *lathi, rod, fight fists* etc.

4. It is submitted by learned counsel appearing on behalf of the petitioners that the allegation *qua* committing physical assault which proves fatal subsequently is appearing very much general and omnibus against all named co-accused persons including petitioners. It is pointed out that the informant claims herself as an eye-witness of the occurrence and if it is true then certainly several visible injuries must to be noticed upon the body of her deceased husband but upon post-mortem no visible injuries was noticed upon the dead body of the husband of informant, making a serious doubt *qua* allegation as her husband was badly assaulted by twelve named co-accused persons including petitioners. It is submitted that cause of death could not ascertain, upon



postmortem.

5. Arguing further, it is submitted by learned counsel that after investigation *qua* apprehended co-accused persons, the police submitted charge-sheet for the offence punishable under Section 304 of the IPC and as such, disbelieved the allegation of the informant *qua* committing murder of her husband by petitioners and other co-accused persons.

6. Learned APP while opposing the prayer of bail submitted that all petitioners collectively assaulted the husband of the informant which proves fatal. However, he conceded that upon post-mortem no visible injuries was noticed upon the dead body.

7. In view of aforesaid factual submissions and by taking note of fact as allegation *qua* committing physical assault is appearing very much general and omnibus against all petitioners coupled with the fact that no visible injuries was found by doctor upon body of deceased husband of the informant during post-mortem in background of the allegation that he was assaulted by 12 co-accused persons which *prima*



facie making the allegation doubtful on its face, accordingly, all nine above named petitioners, in the event of their arrest or surrender before the learned trial Court, within a period of four weeks of the order, is directed to be released on bail furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions Judge-cum-Special Judge, Araria/concerned Court, where the case is pending in connection with Forbesganj P.S. Case No. 394 of 2024 subject to the conditions as laid down under Section 482(2) of the BNSS.

(Chandra Shekhar Jha, J)

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