

In the Court of Sri Dinesh Rai, A.J.C.-I, Ranchi
A.B.P. No.- 2508/2022
(Arising out of Sadar (Mesra) P.S. – 432/2022)

Schedule XLII – High Court (J) 9a [Old (M) 164.]

Serial No.	Date of Order of Proceeding	Order with signature of the court.	Office notice taken with date.
1	2		
	21/03/2023	(1) Tabarak Ansari & (2) Ashu @ Asif Alam Petitioners Versus State of Jharkhand Opp. Party For the petitioners- Sri B.K.Singh, Adv. For the State- Sri S.P. Choudhary, Addl.P.P. <u>ORDER</u> The present anticipatory bail petition filed on behalf of petitioners namely (1) Tabarak Ansari & (2) Ashu & Asif Alam, who are apprehending their arrest in connection with Sadar (Mesra) P.S.Case No. 432/2022 registered under Sec. 341/323/307/379/506/34 of the IPC, presently pending in the learned court of Sri D.N.Shukla, J.M.,Ist Class, Ranchi has been pressed and moved today. The prosecution case in brief is that on 26.09.22 at about 12 noon brother of the informant namely Md. Mahtab Alam went to Sirat Nagar, Piper Chowra to see Khata No. 152, Plot no. 1858, Khata no. 165, Plot No. 1854 under Mesra O.P. At that time petitioners and others started assaulting to the brother of the informant and at the same time petitioner no.1 hit him by Butt of the Banduk so that his head fractured and fell down and	
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	contd...p/2 21/03/2023	petitioner no.2 assaulted him by Danda on his shoulder and snatched Mobile and Rs. 50,000/- and petitioner no.1 threatened him not to come in plot otherwise he will be lost your life. He ran away to save his life. The people who were there saved him and admitted him in Medanta Hospital, Hence, this case. Learned counsel for the petitioners submits that the petitioners are wholly innocent, committed no offence as alleged in the complaint petition or at all. The entire allegation levelled by the informant is false and concocted and no marpit has taken place with the informant and his brother. In fact the petitioner no.1 is the bona fide purchaser of the land situated at Mauza Neori, P.S. Sadar, P.S. No. 45, Khata no. 165, Plot no. 1854 measuring an area 6.66 decimal bearing deed no. 9039 dated 22.11.19 from Abdul Kalam and Naushad Ansari. The petitioner no.1 has purchased the land from the descendant of Khatiyani Raiyat and after sale the vendor has put the purchaser in khas possession of the land measuring an area 6.66 decimal. It is relevant to mention there that the brother of the informant namely Mahtab Alam played fraud with the petitioner no.1 and made an agreement with petitioner no.1 for the land situated at Mauza-Neori, P.S. Sadar, P.S. No. 45, Khata no. 152 & 165 measuring an area 39.41 decimal on 22.06.17 whereas the some part of the plot belongs to Tribal khata and Mahtab has no nexus with that plot including others and time to time taken a huge amount i.e. Rs. 15,30,000/- from the petitioner no.1.	
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	<i>contd...p/3</i> 21/03/2023	the first fraud made by Mahtab that he has made an agreement for the land measuring an area 39.41 decimal whereas when the petitioner no.1 measures the area he found that the actual area is 30.66 decimal. The brother of the informant is a land mafia and for gain money he has played fraud. He is accused of several cases relating to Bank Dacoity, Loot, Marpit and Ransom in Pithoria and near about thana. In one hand Mahtab Alam and Sabir Hussain has made an agreement with petitioner no.1 and in other hand Khusbuddin and Sabir Ansari has claimed the land and they have also made an agreement with petitioner no.1 on 24.11.18 and taken money from him an amount of Rs. 14,95,000/- and in this way Mahtab, Sabir Hussain, Khusbuddin and Sabir Ansari have committed fraud taken money from petitioner no.1. All the accused persons of Sadar (Mesra) P.S. Case No. 431/2022 have no concern with the said land in spite of that they always threaten and obstruct construction work. The incident of assault was done by Mahtab Alam and Khushbuddin Ansari therefore in this regard a case was lodged by the petitioner no.1 in Sadar (Mesra) P.S. Case no. 431d/22 and later on to protect themselves this instant case have been filed by Ekramul Ansari. Accordingly prayed for bail. Ld. Addl.P.P. for the State as well as assisted by learned counsel for informant opposed the bail petition. Heard, Ld. Counsel for the parties and gone through the record as well as case diary. There is no specific allegation against the petitioner Tabarak Ansari that he	
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	contd...p/4 21/03/2023	assaulted on the head Mahtab Alam with butt of a gun and his son Asu @ Asif assaulted with lathi on the shoulder of Mahtab Alam. Record transpires that informant in his restatement and other witnesses in their statement mentioned at para-3,7,8 & 9 of the case diary have fully corroborated the prosecution case. Photo copy of the injury report available on the record shows that Mahtab Alam was admitted on 26.09.22 in Hospital and discharged from there on 29.09.22. Injury report transpires that lacerated injury over occipital area was found which is grievous in nature. Considering the above facts, circumstances and gravity of offence, I am not inclined to extend the privilege of anticipatory bail to the petitioners. Hence, anticipatory bail petition of petitioners namely (1) Tabarak Ansari & (2) Ashu @ Asif Alam is hereby rejected. (Dictated). Sd/- (Dinesh Rai) A.J.C.-I, Ranchi	