

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.18336 of 2015

Arising Out of PS.Case No. -407 Year- 2014 Thana -TURKAULIYA District-
EASTCHAMPARAN(MOTIHARI)

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FAUJDAR MIYAN, SON OF LATE BASIR MIYAN, RESIDENT OF
VILLAGE- FULWAR CHITHAN P.S. BANJARIA DIST- EAST
CHAMPARAN.

..... PETITIONER/S

VERSUS

THE STATE OF BIHAR

..... OPPOSITE PARTY/S

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with

Criminal Miscellaneous No.20544 of 2015

Arising Out of PS.Case No. -407 Year- 2014 Thana -TURKAULIYA District-
EASTCHAMPARAN(MOTIHARI)

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1. JALIL MIYAN, SON OF LATE BASIR MIYAN,
2. HASIM MIYAN, SON OF LATE KHEDU MIYAN, BOTH RESIDENT
OF VILLAGE- FULWAR CHITHAN, P.S.- BANJARIA, DIST- EAST
CHAMPARAN

..... PETITIONER/S

VERSUS

THE STATE OF BIHAR

..... OPPOSITE PARTY/S

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Appearance :

(In Cr.Misc. No.18336 of 2015)

For the Petitioner/s : Mr. Vivekanand Vivek

For the Opposite Party/s : Mr. Nagendra Prasad (App)

(In Cr.Misc. No.20544 of 2015)

For the Petitioner/s : Mr. Vivekanand Vivek

For the Opposite Party/s : Mr. Surendra Pd.Singh(App)

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA

ORAL ORDER

2 25-06-2015 Heard learned counsel for the petitioners and the

learned A.P.P. for the State.

The petitioners apprehend their arrest in connection

with Turkaulia (Banjaria) P.S. Case No. 407 of 2014 registered under Sections 448, 342, 323, 147, 379 and 307 of the Indian Penal Code. Both applications are related to the same occurrence and are being disposed of by common order.

The accusation is that petitioners along with others came at the door of the informant and started to abuse him. When informant made protest then Wakil Ahmad caused injury through lathi to the informant, Nasruddin Ansari. When Brother of the informant, Maksood Miyan, came to save him then Noor Mohammad gave rod blow at the head of Maksood Miyan. At that time petitioner, Faujdar Miyan and Rus Mohamad also assaulted to the son of the informant through rod. The daughter-in-law was also assaulted by Kalamum Nisha.

Learned counsel for the petitioners, Jalil Miyan and Hasim Miyan, submits that it would appear from the F.I.R. that while the petitioners Jalil Miyan and Hasim Miyan are named in the F.I.R. with allegation to abuse the informant but no any specific overt act has been alleged against these petitioners. So far as petitioner, Faujdar Miyan, is concerned, there is specific allegation against petitioner, Faujdar Miyan is to cause injury to the son of the informant but only two injuries were found on his person, i.e., pain in chest and whole body and abrasion left leg ½”

X ½” which is simple in nature caused by hard and blunt object.

Considering the aforesaid submissions, let the above named petitioners be released on bail, in the event of arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, East Champaran, Motihari, in connection with Turkaulia (Banjaria) P.S. Case No. 407 of 2014, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

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