

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38238 of 2016

Arising Out of PS.Case No. -39 Year- 2016 Thana -SANGRAMPUR District-
EASTCHAMPARAN(MOTIHARI)

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MANZOOR MIAN, son of Sahadat Mian, resident of Village- Bhawanipur,
Thikaha, P.O. and P.S.- Sangrampur, District- East Champaran.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Pravin Kumar

For the Opposite Party : Mr. Sri S.M. Rahman

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**
ORAL ORDER

3 22-10-2016 Heard the learned counsel for the petitioner as well as
the learned A.P.P for the State.

The petitioner seeks bail in a case for the offences
punishable under sections 341, 323, 324, 325, 307, 379 and 504/34
of the I.P.C

Allegation against the petitioner is that he assaulted
Islam Mian on his head with *Akari* which hit on his forehead and
thereafter he fell down and earlier Khalil Mian had assaulted Islam
Mian with *Farsa* resulting Islam Mian fell down and in that
condition other co-accused assaulted him with *Nepali Khukri*,
Barchhi, *Fatta* of *Bamboo* and *Lathi* resulting he became badly
injured and when other persons came to save him they were also

assaulted by the accused persons.

Submission is of false implication and that Khalil Mian has also lodged case on 28.03.2016 bearing Sangrampur P.S. Case No. 36 of 2016 and thereafter by way of counter blast this case has been lodged on 29.03.2016 bearing Sangrampur P.S. Case No. 39 of 2016, due to the land dispute occurrence has taken place, there was no intention to commit murder, three injuries have been found on the person of Islam Ansari which is mentioned in paragraph-21 of the case diary, injury no. 2 has been noticed as grievous and rest two injuries are simple in nature and as such the petitioner who is suffering in custody since 26.06.2016 deserves sympathetic consideration, charge sheet has already been submitted and there is no chance of tampering with the prosecution evidence, there was free fight between the parties and from the side of the petitioner also several persons have been injured.

The learned A.P.P. opposes prayer for bail.

In the facts and circumstances as stated above, considering that there is case and counter case, both sides have received injuries, this case has been lodged after the case lodged by the petitioner's brother Khalil Ansari and as such the petitioner is directed to be released on bail on furnishing bail bond of Rs.

10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of A.C.J.M-6th, Motihari, East Champaran in Sangrampur P.S. Case No. 39 of 2016/ G.R. No. 1585 of 2016, subject to the conditions that one of the bailors must be a near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

(Jitendra Mohan Sharma, J)

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