

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35296 of 2017

Arising Out of PS.Case No. -62 Year- 2016 Thana -BAIRIYA District- WEST CHAMPARAN
(BETTIAH)

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Mukhtar Mian Son of Ali Hassan Mian, R/o Village- Malahi Tola, P.S.-
Bairiya, District- West Champaran.

..... Petitioner/s

Versus

The State of Bihar

..... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Umesh Chandra Verma, Adv.
For the Opposite Party/s : Mr. Dr. Kumar Uday Pratap, A.P.P.

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 09-10-2017 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail in connection with Sessions Trial
No. 514 of 2016 arising out of Bairiya P.S. Case No. 62 of 2016
for offences punishable under Sections 302/34 of the Indian
Penal Code.

The prosecution case, as lodged by the informant, is
that while his brother was coming to the house the petitioner
along with others surrounded him. The petitioner is alleged to
have assaulted the informant with iron rod and that co-accused



Ali Hassan Mian assaulted by means of Lathi and co-accused Nanhak Mian and Rahim Mian caught hold the hands of the deceased. As a result of the said injuries the brother of the informant Islam Mian died.

It has been submitted by the learned counsel for the petitioner that he is innocent and has been falsely implicated in the aforesaid case because of pending land dispute between them. He submits that a counter case had been filed by the petitioner's side against the informant's side and that the petitioner bears no criminal antecedent and is languishing in judicial custody since 30.07.2016. He submits that the postmortem report shows injury caused by heavy weight blunt substance which cannot be only attributable to the petitioner as the petitioner and other accused has been alleged to have hit the deceased. He submits that all the other accused named in the F.I.R. have been granted privilege of bail and even accused Ali Hasan Mian has been granted privilege of bail by a coordinate Bench of this Court in Cr. Misc. No. 6443 of 2017 on 11.05.2017. He submits that one of the eye witnesses has stated in paragraph-9 of the case diary that co-accused Nanhak Mian hit the deceased by iron rod and the petitioner was not at the place of occurrence at that point of



time.

However, learned APP for the State opposes the prayer for bail.

A report was called for from the court of learned 2nd Additional Sessions Judge, West Champaran at Bettiah. The report has been received vide Letter No. 300 dated 24.08.2017 which shows that charges have been framed and the charge-sheeted witnesses have been summoned but no witness has been examined till date.

Considering the facts and circumstances and the materials on record, let petitioner, above named, be enlarged on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of learned 2nd Additional Sessions Judge, West Champaran at Bettiah, in connection with Sessions Trial No. 514 of 2016 arising out of Bairiya P.S. Case No. 62 of 2016, subject to the condition that both bailors would be close relative of the petitioner having sufficient immovable property within the jurisdiction of the concerned police station/ court, who will file an affidavit stating their relationship with the petitioner and that



petitioner will appear before the learned court below during trial as and when required and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.

(Nilu Agrawal, J)

Devendra/-

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