

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.2390 of 2017

Arising Out of PS.Case No. -107 Year- 2017 Thana -LAURIYA District-
WESTCHAMPARAN(BETTIAH)

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1. Farooq Miya son of Izhar Miya resident of village - Mathia, P.S. -
Lauriya, District - West Champaran.
2. Kamrul Miya son of Samsul Miya resident of village - Lauriya, P.S. -
Lauriya, District - West Champaran.

.... Appellants/s

Versus

1. The State of Bihar through the Spl. P. P. Sc & St.

.... Respondent/s

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Appearance :

For the Appellants/s : Mr. Vikramdeo Singh, Adv.

Mr. Sunil Kumar Dubey, Adv.

For the Respondent/s : Mr. Sri Sadanand Paswan, Spl. P.P.

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 31-08-2017 The appellants seek regular bail in connection with

Lauriya P.S. Case No. 107 of 2017, registered for offences

punishable under Sections 147, 148, 149, 323, 324, 325, 307 and

379 of the Indian Penal Code and Section 3(i)(g)(r)(p)(II)(va) of

SC/ST (POA) Act.

Allegation against the appellant no. 1, is of abating the

other co-accused persons to assault the informant and allegation

against appellant no. 2 is of assaulting the informant by farsa.

It has been submitted on behalf of the appellants that

though there is allegation of assault, however, the injury was

found to be simple in nature. It has also been submitted that earlier



also, the informant has lodged a case against the appellants, in which the appellants are on bail and, thereafter, the present case has been filed due to land dispute. It has also been submitted that there is delay of six days in lodging the F.I.R. and appellants have been in custody for about two months.

Heard learned A.P.P. also.

Having heard both sides, in view of the facts as stated above, this appeal is allowed and impugned order is set aside. Let the appellants above named, be released on bail on furnishing bail bonds of Rs. 25,000 (Rs. Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of learned 1st Additional District & Sessions Judge-cum-Special Judge, Bettiah, West Champaran, in connection with Lauriya P.S. Case No. 107 of 2017, subject to the following conditions:-

- (i) One of the bailors of the appellants shall be a local person having sufficient immovable property within the jurisdiction of the concerned Court.
- (ii) The appellants will not induce any witness or tamper with the evidence.
- (iii) The appellants shall cooperate in the disposal of trial and make themselves available as and



when required by the court and on the event of failure on their part to appear before the court below on two consecutive dates without showing any genuine reasons, the prosecution is free to move for cancellation of their bail bonds.

(Vinod Kumar Sinha, J)

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