

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48099 of 2018

Arising Out of PS. Case No.-87 Year-2018 Thana- BAIRIYA District- West Champaran

1. Shekh Ijahar @ Ijaharah Hussain @ Ijahar Hussain S/o Late Dost Mohammad,
2. Shekh Mustafa S/o Shekh Ijahar,
3. Nausad S/o Sk. Kamruddin,
4. Shekh Khalil S/o Sk. Ibrahim.
5. Shekh Sarfuddin S/o Late Dost Mohammad,
6. Shekh Kari S/o Sk. Israyal,
7. Shekh Lalbabu S/o Sk. Samsuddin,
8. Shekh Idrish @ Skekh Idarish S/o Late Dost Mohammad, All resident of Village- Bairiya, Shekh Toli, P.S.- Bairiya, District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar
For the Opposite Party/s : Mr. Sri Amrendra Prasad

CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

2 17-09-2018 Heard learned counsel for the petitioners and learned counsel for the State.

Learned counsel for the petitioners submits that during the pendency of this petition petitioner no. 1 Shekh Ijahar and petitioner no. 6 Shekh Kari, have been arrested and sent to judicial custody, hence this bail petition with regard to petitioner no. 1 Sheikh Ijahar and petitioner no. 6 Shekh Kari, has become infructuous and he is not pressing the bail application of petitioner nos. 1 and 6.

The petitioners apprehend their arrest in connection with **Bairiya P.S. Case No. 87 of 2018** registered for the offence



punishable under Sections 147, 148, 149, 323, 307, 354, 504, 506/34 of the Indian Penal Code.

Allegation against the petitioners is of trying to outrage the modesty of the daughter of the Informant and assaulting the family members of the Informant with Lathi, Danda, Farsa and Iron Rod.

It has been submitted on behalf of the petitioners that they are innocent and have been falsely implicated in this case due to old enmity and land dispute. Parties are next door neighbours. It has been further submitted on behalf of the petitioners that the Informant received one grievous injury on his right palm which is attributable to Sheikh Ijhar and not to petitioners and the other injuries received by the Informant side are simple in nature. There is case and counter case Petitioners have got no criminal antecedent.

Considering the aforesaid facts and circumstances of the case, let the **petitioner nos. 2, 3, 4, 5, 7 and 8** be released on bail, in the event of their arrest or surrender before the court below within a period of four weeks from today, on furnishing bail bonds of Rs. 10,000/- each with two sureties of the like amount each to the satisfaction of learned **Chief Judicial Magistrate, Bettiah, West Champaran**, in connection with **Bairiya P.S. Case No. 87 of 2018** subject to the condition as



laid down under Section 438(2) of the Cr.P.C with following conditions:-

- (1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.
- (2) Petitioners shall co-operate in the trial and shall be present on each and every date fixed by the court and his absence on two consecutive dates without proper and reasonable reason will be sufficient to cancel their bail bond.
- (3) If the petitioners tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioners.

(S. Kumar, J)

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