

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.57879 of 2018**

Arising Out of PS. Case No.-428 Year-2017 Thana- CHANPATIA District- West Champaran

1. Aldin Mian, S/o- Rahiman Mian
2. Jamayat Mian, S/o- Aldin Mian
3. Sadare Alam, S/o- Jamayat Mian,  
All Resident of Village - Barohia, P.S. - Chanpatia, District -  
West Champaran.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Sanjeev Kumar, Adv.  
For the Opposite Party/s : Mr. Satyendra Prasad. A.P.P.

**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH**  
**ORAL ORDER**

2      20-09-2018                      Heard learned counsel for the petitioners and learned  
APP for the State.

The petitioners are apprehending arrest in a case initially registered for the offences punishable under Sections 147, 148, 149, 341, 323, 324 and 504 of the Indian Penal Code. Subsequently, Section 302 IPC was also added.

The prosecution case as per the written report of Khalil Miyan, dated 23.11.2017, submitted to the Station House Officer, Chanpatiya Police Station is to the effect that on 22.11.2017 at 8 AM, the informant was going to sow the wheat crop in his field, in the meantime, ten FIR named accused persons including the petitioners came, whereupon co-accused



Inayat Miyan assaulted the informant with farsa, causing cut injury on the left hand of the informant and when the informant's three daughters came to rescue him, they were also assaulted.

It is submitted by learned counsel for the petitioners that the petitioners are the agnates of the informant and in the background of land dispute, the accusation has been levelled. The opinion of the doctor who conducted the postmortem examination, suggests that the victim died due to anemia and hypertension. The injury report of the daughters of the informant is not on record. A statement has been made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent.

It is submitted by learned APP for the State that the accusation of assaulting the daughters of the informant is omnibus and general against all the accused persons.

Considering the fact that thrust of accusation of assaulting the informant, who ultimately died, is against co-accused Inayat Miyan, coupled with statement made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent, let the above named petitioners be released on anticipatory bail, in the event of arrest or surrender



before the learned Court below within a period of 12 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 CJM, Bettiah, West Champaran in connection with Chanpatia P.S. Case No. 428 of 2017, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

**(Dinesh Kumar Singh, J)**

Amrendra/-

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