

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.60201 of 2018

Arising Out of PS. Case No.-43 Year-2018 Thana- ADAPUR District- East Champaran

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1. Md. Kaish, S/o Late Md. Darfe,
 2. Husnain Mian @ Hasnain Mian S/o Md. Kaish Mian,
 3. Shamim Mian S/o Md. Kaish Mian,
 4. Saddam Mian S/o Md. Kaish Mian, All R/o Vill.- Sekhwa Tola,
Sirisiya Kala, P.S.- Adapur, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ansul
For the Opposite Party/s : Mr. Sri Rajendra Prasad Nat

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

5 11-12-2018 Heard the learned counsel for the petitioners and the
learned APP for the State.

In the present case, the petitioner nos. 1,2 and 4 have
already been granted bail by this Court vide order dated
26.11.2018.

The petitioner No.3 seeks regular bail in connection
with Adapur P.S. Case No. 43 of 2018 for the offences
punishable under Sections 147, 341, 323, 324, 385, 386, 307,
504 of the Indian Penal Code and Section 27 of the Arms Act.

The allegation as per the informant is that on account
of certain family dispute, altercation has taken place in between
the informant side and the prosecution side and the petitioner



no.3, namely, Shamim Mian is said to have hit Sarfaraz by garasa. The injury report shows that the injuries are serious in nature.

The learned counsel for the petitioner submits that the description of the injury reported by the doctor shows that the same cannot be such as to cause death of a person. It is further submitted that though one criminal case is pending against the petitioner, but he is on bail in the said case. Lastly, it is submitted that the petitioner is ready to abide by whatever conditions that may be imposed for grant of regular bail.

Having regard to the facts and circumstances of the case, I deem it fit and proper to direct for release of the petitioner no.3 Samim Mian on regular bail subject to deposit of a sum of Rs. 50,000/- (Rs. Fifty thousand) in cash before the concerned trial court as also upon furnishing bail bonds of Rs. 20,000/- with two sureties of the like amount each to the satisfaction of learned C.J.M., East Champaran at Motihari, in connection with Adapur P.S. Case No. 43 of 2018.

It is further directed that the petitioner no.3 would mark his presence before the Officer Incharge of the concerned Police Station at 10 A.M. on each and every Monday of the week and on account of his failure on two consecutive occasions



to mark his attendance, the present privilege of regular bail shall stand cancelled automatically and the petitioner shall be taken into custody.

It is needless to state that the said condition of tendering attendance by the petitioner before the concerned police station shall be in force till the framing of the charge by the learned trial court.

(Mohit Kumar Shah, J)

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