

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1862 of 2019

Arising Out of PS. Case No.-139 Year-2018 Thana- RAXAUL District- East Champaran

Zakir Miyan @ Zakir Mian s/o Late Sadique Mian, r/v- Hajma Tola, P.S. - Haraiya (Raxaul), District – East Champaran

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Madhurendra Kumar, Adv.

For the Opposite Party/s : Mr. Rajkishore Singh, APP

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

4 07-02-2019 Heard learned counsel for the petitioner and learned counsel for the State.

Petitioner seeks bail in Raxaul P.S. Case No. 139/2018, registered for the offences punishable under Sections 147, 148, 149, 341, 323, 324, 307, 380 and 447 of the Indian Penal Code.

Informant has alleged that F.I.R. named accused persons variously armed with Tangi, Farsa, lathi etc. entered her house and assaulted her husband. Allegation against petitioner is of inflicting Tangi blow on the head of the husband of informant, as a result of which he received cut injury.

It has been submitted on behalf of the petitioner that he has committed no offence and has been implicated in this case because of admitted land dispute between the parties. The injury report has been detailed in para 39 of the case diary in



which no sharp cut injury has been found on the scalp of injured and the injuries are said to be lacerated. Petitioner is in custody since 24.10.2018 having clean antecedent.

Considering the facts aforesaid, the petitioner above-named, is directed to 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 the learned Sub-Divisional Judicial Magistrate, Raxaul East Champaran at Motihari in connection with Raxaul P.S. Case No. 139/2018, subject to the conditions:-

(i) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(ii) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the court below.

(iii) If the petitioner 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 petitioner.

(S. Kumar, J)

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