

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40254 of 2019

Arising Out of PS. Case No.-276 Year-2018 Thana- CHHATAUNI District- East Champaran

Dablu Miya Son of Qzair Miya @ Wojir Mian, Resident of Village -
Majuraha, P.S.- Raghunathpur (O.P.), Turkauliya, Dist.- East Champaran.
... .. Petitioner

Versus

The State of Bihar ... Opposite Party

Appearance :

For the Petitioner : Mr.Umesh Chandra Verma, Advocate
For the State : Mr.Umeshannd Pandit, Addl Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

5 22-10-2019 Heard learned counsel for the parties and perused the case diary as well as the report dated 7.9.2019 of the Judicial Magistrate 1st class, Mothari.

Petitioner is an accused in a case registered for the offence punishable under sections 448, 323, 324, 307, 380/34 the Indian Penal Code.

It is alleged that at about 2.30 PM on 26.9.2018 when the informant was sleeping at this house, all the twelve named accused persons including the petitioner broke open the boundary gate and entered into his house. Thereafter, co-accused Rahul Kumar s/o Sunil Kumar Singh, Rahul s/o Ishwar Singh and Dablu Miya s/o Qzair Miya @ Wojir Mian, all armed with knife, inflicted knife injuries near the neck, back and abdomen of the informant. Other accused persons, armed with lathi, danda, iron rod etc. also assaulted him. Accused persons took away ornaments worth Rs.3 lacs and cash Rs.16,000/-.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in this case because of previous enmity and the allegation of taking away the ornaments and cash is ornamental. Petitioner is in custody since



3.5.2019, though other similarly situated co-accused namely Rahul Singh s/o Sunil Singh has already been allowed regular bail by a bench of this Court vide order dated 6.2.2019, passed in Cr.Mis.No. 787/2019. Charge sheet has also been filed in the case, as such, there is no chance of tempering with the evidence.

In view of the facts and circumstances of the case, prayer for bail of the petitioner is allowed. Let the petitioner, mentioned above, be released 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 Chief Judicial Magistrate, East Champaran at Motihari in Chhatauni Police Station Case No. 276 of 2018 on the following conditions:-

(1) 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.

(2) If the petitioner tempers with the evidence or the witnesses, in that case the prosecution will be at liberty to move for cancellation of bail.

(Prabhat Kumar Singh, J)

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