

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44445 of 2019

Arising Out of PS. Case No.-56 Year-2019 Thana- PAHARPUR District- East Champaran

1. SHANKAR BIN @ SHANKAR MUKHIYA Son of late Saryug Manjhi Resident of Village - Bawariya, P.S.- Paharpur, Distt - East Champaran.
2. Wahid Mian @ Waheed Mian Son of Jinish Mian Resident of Village - Bawariya, P.S.- Paharpur, Distt - East Champaran.
3. Farman Mian Son of Jinish Mian Resident of Village - Bawariya, P.S.- Paharpur, Distt - East Champaran.
4. Mumtaz Mian @ Mamtaz Mian Son of of Farman Mian Resident of Village - Bawariya, P.S.- Paharpur, Distt - East Champaran.
5. Mujamil Mian @ Mojmil Mian Son of Farman Mian Resident of Village - Bawariya, P.S.- Paharpur, Distt - East Champaran.
6. Aslam Alam Son of Farman Mian Resident of Village - Bawariya, P.S.- Paharpur, Distt - East Champaran.
7. Munna Bin @ Munna Mukhiya Son of Sankar Bin Resident of Village - Bawariya, P.S.- Paharpur, Distt - East Champaran.
8. Osiar Mian @ Osihar Mian Son of Shahid Mian @ Sahid Mian Resident of Village - Bawariya, P.S.- Paharpur, Distt - East Champaran.
9. Shah Mohammad Mian @ Shah Mahmud Mian Son of Wakil Mian Resident of Village - Bawariya, P.S.- Paharpur, Distt - East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dhannjay Kumar No 2
For the Opposite Party/s : Mr.Md. Ataur Rahman

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 19-07-2019

Learned counsel for the petitioners states that the petitioner no. 5 has been arrested and seeks permission to withdraw the anticipatory bail petition as against him.

2. Permission is accorded. Anticipatory bail petition as against petitioner no. 5 is permitted to be withdrawn and is dismissed as such.

3. Heard learned counsel for the petitioners and learned APP for the State.

4. The petitioner nos. 1 to 4 and 6 to 9 apprehend their arrest for



the offences alleged under Sections 147, 148, 149, 341,323, 324, 307, 504, 506 IPC registered in connection with Paharpur P.S. Case No. 56/2019.

5. It is submitted that the petitioner nos. 1 to 4 and 6 to 9 have been falsely implicated in the backdrop of land dispute and there is case and counter case between the parties. The accusation of assault by petitioner nos. 1 and 2 with sharp edged weapon upon the son of the informant Meraj Alam is not corroborated by the injury report which discloses that grievous injury has been caused by hard blunt substance. There is no injury report to corroborate the accusation of assault with lathi, danda upon informant's other son and daughter, which in any event is general and omnibus in nature.

6. Learned APP assisted by learned counsel for the informant opposes the petition submitting that one of the injuries sustained by Meraj Alam is grievous in nature.

7. Be that as it may and considering the grievous nature of injury on Meraj Alam, which does not appear to be attributable to any of the petitioners, in the event of arrest or surrender by petitioner nos. 1 to 4 and 6 to 9 before the court below within six weeks from the date of communication of this order, let the above named petitioner nos. 1 to 4 and 6 to 9 be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of like amount each to the satisfaction of learned CJM, Motihari, East Champaran, in connection with Paharpur P.S. Case No. 56/2019, subject to the conditions as laid down under Section 438 (2) Cr.P.C. and also subject to the following further conditions:

i. That one of the bailors shall be a close relative of the petitioner nos. 1 to 4 and 6 to 9.

ii. That the petitioner nos. 1 to 4 and 6 to 9 shall not indulge in any similar offence till conclusion of the trial.

iii. That the petitioner nos. 1 to 4 and 6 to 9 shall co-operate with the investigation, if not already concluded, and make themselves available as and when so required and in case of failure, the State shall be at



liberty to move for cancellation of bail.

iv. The petitioner nos. 1 to 4 and 6 to 9 shall remain physically present in Court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, their bail bonds shall be liable to be cancelled by the learned Court concerned.

(Vikash Jain, J)

Chandran/-

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