

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54703 of 2019

Arising Out of PS. Case No.-144 Year-2019 Thana- CHOUTARWA District- West
Champaran

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1. Sikandar Miyan, aged about 45 years, Male, Son of Isha Miyan @ Isha Ansari
 2. Faizul Haque @ Lalu, aged about 38 years, Male, Son of Isha Miyan @ Isha Ansari
 3. Samir Miyan, aged about 18 years, Male, Son of Bakshish Alam
 4. Salman Miyan, aged about 19 years, Male, Son of Sikandar Miyan
 5. Isha Miyan @ Isha Ansari, aged about 65 years, Male, Son of Hakim Miyan Resident of Village-Pakadi, P.S.- Chautarwa, District-West Champaran.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners	:	Mr. Sanjeev Kumar, Advocate
For the State	:	Mr. Pancha Nand Pandit, APP
For the Informant	:	Mr. Vijay Kumar Singh No. 1, Advocate

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 30-08-2019 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners apprehend their arrest for the offences alleged under Sections 323, 324, 307, 341, 379, 504 and 506/34 of the Indian Penal Code registered in connection with Chautarawa P.S. Case No. 144 of 2019.

3. It is submitted that the petitioners have been falsely implicated in the backdrop of land dispute and there is case and counter case between the parties. It is submitted that specific accusation of assault with *khanti* upon the son of the informant is on the petitioner no. 2 but injury sustained by him is simple in nature and no accusation of assault has been alleged against the remaining petitioners, who claim antecedents.



4. Learned APP assisted by learned counsel for the informant appearing for the informant appears and opposes the petition. It is submitted that the son of the informant has sustained lacerated wound over right occipital region 6 cm x ¼ cm scalp deep middle as noticed in the order of learned 1st Additional Sessions Judge, Bagaha, West Champaran dated 25.07.2019 passed in ABP No. 289(C)/19. The injury report no doubt suggests the injury as simple in nature but opines that in case of dispute, opinion of the Medical Board may be sought.

5. Be that as it may, considering the submission that there is no accusation of assault against petitioner nos. 1, 3 and 4 and no injury has been caused as a result of assault on the son of the informant attributed to petitioner no. 5, in the event of arrest or surrender of the petitioners before the court below within six weeks from the date of communication of this order, let petitioner nos. 1, 3, 4 and 5 be released on bail and petitioner no. 2 on provisional bail on furnishing bail bonds of Rs.10,000/- (ten thousand) each with two sureties of like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-1st, Bagaha, West Champaran in connection with Chautarawa P.S. Case No. 144 of 2019, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C. and with further conditions --

(i) That one of the bailors of each of petitioners shall be their close relatives.

(ii) That the petitioners shall not indulge in any similar offence till conclusion of the trial.

(iii) That petitioners 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.

(iv) That petitioners shall cooperate 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.

6. The provisional bail granted to petitioner no. 2 shall be confirmed by the learned court below within a period of four weeks after furnishing bail bonds upon verification that the injury sustained by the son of the informant has not been found to be grievous by the Medical Board, if any. If found otherwise, his bail bond shall stand automatically cancelled.

(Vikash Jain, J)

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