

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60455 of 2019

Arising Out of PS. Case No.-225 Year-2019 Thana- RAJAOLI District- Nawada

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1. CHHOTU MIYAN, aged about 22 years, Male, Son of Salaudddin Miyan, Resident of Village - Purani Bus Stand, Rajauli, P.S.- Rajauli, dist.- Nawadah
 2. Jagdin Miyan @ Jagdim Miyan, aged about 25 years, Male, Son of Salaudddin Miyan, Resident of Village - Purani Bus Stand, Rajauli, P.S.- Rajauli, dist.- Nawadah ... Petitioners

Versus

THE STATE OF BIHAR ... Opposite Party/s

Appearance :

For the Petitioners : Mr. Ashok Kumar Sinha No.3, Adv.
For the Opposite Party : Mr. Arun Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

2 24-09-2019 Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the state.

The learned counsel for the petitioners prays to with the prayer for pre-arrest bail of petitioner no. 1, Chhotu Miah, as he has been taken into custody.

Prayer is allowed.

This application is dismissed as withdrawn so far petitioner no. 1, Chhotu Mian is concerned.

The petitioner no. 2, Jagdin Mian, seeks pre-arrest bail in connection with Rajauli P.S. Case No. 225 of 2019 (G.R. No. 3186 of 2019) for the offences alleged under Sections 147, 148, 149, 241, 323, 324, 307 and 379 of the Indian Penal Code.

The accusation is that in course of returning from



Shiv Temple to house, the informant, Gopal Singh, saw in between, the shop keeper and Raja Kumar scuffling with each other near Taj Mobile. The informant went there and pacified the dispute. All of sudden seven persons named in the first information report, including Jagdin Mian (petitioner no. 2), attacked on him. Bahadur Mian gave the knife blow on his head, Meraj Mian caused injury near his ear, Izhar Mian caused injury with knife in his belly, thereafter, he fell down and all started to cause assault through fists and slaps. At that time, Chhotu Mian took his purse, containing cash of Rs.5,000/-. Jagdin Mian (petitioner no. 2) snatched the gold chain worth Rs.30,000/-.

The submission of the learned counsel for the petitioner is that while the petitioner is named in the first information report, but, allegation is that when the informant fell down on ground, this petitioner snatched his gold chain. In fact, the petitioner has been implicated in this due to dirty village politics with allegation of snatching the gold chain from the neck of the informant. Petitioner no. 2, Jagdin Mian, has no criminal antecedent.

Having regard to the facts and circumstances of the case, let the petitioner, above named, in the event of



surrender/arrest, within a period of four weeks from today, in connection with Rajauli P.S. Case No. 225 of 2019 (G.R. No. 3186 of 2019) shall be released on bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Nawadah, or the successor Court subject to the conditions as laid down under Section 438(2) Criminal Procedure Code.

(Rajendra Kumar Mishra, J)

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