

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82175 of 2019

Arising Out of PS. Case No.-222 Year-2019 Thana- PAHARPUR District- East Champaran

1. Babar Mian @ Babbar Ali S/o Akbar Mian Resident of Sareya Bazar, P.S.- Paharpur, District- East Champaran
2. Aayasa Khatoon @ Sayara Khatoon W/o Babar Mian @ Babbar Ali Resident of Sareya Bazar, P.S.- Paharpur, District- East Champaran

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr.Patanjali Rishi, Advocate

For the Opposite Party : Mr.Raj Ballabh Singh, Addl Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 12-12-2019 Heard learned counsel for the petitioners as well as learned counsel for the State.

Petitioners apprehend arrest in a case registered for the offences punishable under Sections 302/504 and other ancillary sections of the Indian Penal Code.

Petitioner no.1 is alleged to have tied a *gamacha* around the neck of the Bhaisure of informant namely Afjal Alam , whereas there is no allegation against petitioner no.2.

Learned counsel for the petitioners submits that no case under section 302 Indian Penal Code is made out against the petitioners. There is case and counter case in which both sides sustained injuries. There is land dispute between the parties. Petitioners have got no criminal antecedent. Petitioner is not alleged to have assaulted the deceased Irfan Alam.

Considering the facts of the case, let the petitioners, above named, in the event of arrest/surrender before the Court below within a period of six weeks from the date of receipt of the order, be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like



amount each to the satisfaction of the Chief Judicial Magistrate, East Champaran in Paharpur Police Station Case No. 222 of 2019 on the following conditions:-

(1) Petitioners 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 on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

(2) If the petitioners tamper 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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