

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3754 of 2020

Arising Out of PS. Case No.-193 Year-2019 Thana- ADAPUR District- East Champaran

1. MAJBULLAH HAWARI Son of Mustafa Hawari Resident of Village - Jamunbhar, P.S.- Adapur, Dist.- East Champaran.
2. Nazir Hussain @ Nazir Hawari Son of Sarmullah Hawari Resident of Village - Jamunbhar, P.S.- Adapur, Dist.- East Champaran.
3. Sarmullah Hawari Son of Late Jainul Hawari Resident of Village - Jamunbhar, P.S.- Adapur, Dist.- East Champaran.
4. Khushai Aalam @ Khushi Alam son of Subdar Hawari @ Subdar Miyan Resident of Village - Jamunbhar, P.S.- Adapur, Dist.- East Champaran.
5. Idrish Hawari Son of late Jitu Hawari Resident of Village - Jamunbhar, P.S.- Adapur, Dist.- East Champaran.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr. Jitendra Kumar, Advocate Miss Priyanka Kumari, Advocate Miss Supriya Rani, Advocate
For the Opposite Party/s	:	Mr. Ram Priya Sharan Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 21-01-2020 Heard learned counsel for the petitioners and learned APP
for the State.

The petitioners in this case are seeking regular bail in connection with Adapur P.S. Case No. 193 of 2019 registered for the offences punishable under Sections 341, 323, 324, 307 and 302/34 of the Indian Penal Code.

Learned counsel for the petitioners submits that there is case and counter case between the parties and one person died from the both sides after receiving injury in free fight. There is no specific overt act against the petitioners regarding assault made to Tahir



Miyan (since deceased) which is against co-accused Kaushar Hawari and Mustafa Hawari. It is further submitted that the petitioners are co-sharers and free fight took place between the parties.

Learned APP has opposed the prayer of regular bail of the petitioners.

Considering the facts and circumstances of the case wherein it is the submission of learned counsel for the petitioners that there is case and counter case lodged with respect to the alleged occurrence which took place on 11.08.2019 in which one person from both sides suffered injury and ultimately died and further submission that so far as these petitioners are concerned, although they are said to be the members of the mob but the specific allegation of assaulting Tahir Miayn (since deceased) is against co-accused Kaushar Haari and Mustafa Hawari who are not the petitioners before this Court and that the informant and the petitioners are the co-sharers and have entered into scuffle in which both sides suffered death of one of the persons, there have been no specific allegations against these petitioners, let the petitioners above named be released on bail connection with Adapur P.S. Case No. 193 of 2019 on furnishing of bail bonds of Rs. 15,000/- (fifteen thousand) each with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Raxaul, East Champaran at Motihari, subject to the condition as laid down under Section 437 (3) Cr.P.C. as under:

(a) that such person shall attend in accordance with the



conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such person shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any Police officer or tamper with the evidence.

(Rajeev Ranjan Prasad, J)

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