

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12940 of 2020

Arising Out of PS. Case No.-268 Year-2019 Thana- MAJHAULIA District- West Champaran

Sahebjan Mian @ Sahebjan Miya @ Sahabjan Mian, Son of Alijan Mian @
Sobarati Mian, Residence of Village- Senuwariya, P.S.- Majhauria, District-
West Champaran at Bettiah.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vibhakar Kumar, Advocate.

For the Opposite Party/s : Mr.Mithlesh Kumar Khare, APP

**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

3 20-07-2020 Heard learned counsel for the petitioner and the learned
Additional Public Prosecutor appearing for the State through Video
Conferencing.

The petitioner apprehends his arrest in connection with
Majhauria P.S. Case No. 268 of 2019, registered under Sections
153(A), 295(A), 353, 337, 338, 147, 148, 149, 151, 152, 341, 323,
324, 325 and 307 of the Indian Penal Code.

The accusation is that on receiving information about
occurrence of *Marpit* in between two communities in village
Senuvaria, the informant along with other police personnel reached
there then saw that people of two communities were pelting stones
raising objectionable slogan. At that time, the local Choukidar
identified 26 persons named in the FIR including the petitioner out of
mob. At that time, Bikhari Sah, Andesh Kumar, Islam Mian, Khed
Miya, Aftab Alam and Mahfuj Alam were apprehended.



Learned counsel for the petitioner submits that it would appear from the FIR that petitioner was identified along with others by the local Choukidar but no specific over act has been attributed against the petitioner. Further submission is that petitioner has no criminal antecedent and similarly situated co-accused, Mubarak Mian, Mustak Mian, Samfresh, Mansur Mian and Maksum Mian have already been allowed privilege of per-arrest bail by a Bench of this Court vide order dated 23.08.2019 passed in Criminal Misc. No. 52448 of 2019.

Having regard to the facts and circumstances of the case, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, West Champaran at Bettiah, in connection with Majhauria P.S. Case No. 268 of 2019, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

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