

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21322 of 2020

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

MIRJA MIAN Son of Late Akbar Mian Resident of Village- Sareya Bazar,
P.S.- Pahar Pur, District- East Champaran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vijay Shankar Shrivastava

For the Opposite Party/s : Mr.Yogendra Kr. Lal

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 04-09-2020

The present petition has been taken up for consideration through the mode of Video Conferencing in view of the prevailing situation on account of COVID-19 Pandemic.

Heard the learned counsel for the petitioner and Sri Yogendra Kr. Lal, the learned APP for the State.

The petitioner seeks regular bail in connection with Paharpur PS case no. 222 of 2019 instituted for the offences punishable under Sections 147, 148, 149, 341, 323, 324, 302, 504 of Indian Penal Code.

The case of the prosecution in brief is that on 06.07.2019 at about 3 O'clock in the evening, while the informant and her family members were sitting at the door of their house, the accused persons including the petitioner herein had arrived there, whereafter they had started abusing the



informant and her family members. It is further alleged that the husband of the informant had then told the accused persons not to abuse them, whereupon the petitioner herein had inflicted blow by iron rod on the head of the husband of the informant, resulting in rupturing of head of the husband of the informant, whereafter blood started oozing out. It is further alleged that the petitioner herein had then assaulted other members of the prosecution party apart from other accused persons also engaging in assault and beating the members of the prosecution party. Subsequently, the husband of the petitioner namely Irfan Alam had died on account of the aforesaid injuries.

The learned counsel for the petitioner has submitted that the petitioner is innocent, has been falsely implicated in the present case, is having a clean antecedent and is languishing in custody since 02.10.2019. Lastly, it is submitted that co-accused persons have already been granted bail by a co-ordinate Bench of this Court vide order dated 12.12.2019, passed in Cr. Misc. no. 82175 of 2019.

Per contra, the learned A.P.P. for the State has vehemently opposed the prayer for bail.

I have heard the learned counsel for the parties, considered their submissions, gone through the materials on



record and perused the case diary. From a bare perusal of the materials available in the case diary, it is apparent that the petitioner is the main assailant as also the main accused of the present case and he is stated to have inflicted fatal blow on the head of the husband of the informant, resulting in his death. Enough materials are available in the case diary to *prima facie* make out a case against the petitioner herein for the offences alleged and his case is absolutely distinguishable from that of the co-accused persons who have already been granted bail by a co-ordinate Bench of this Court vide order dated 12.12.2019. Hence, this Court finds that there is no merit in the present case, as far as grant of bail to the petitioner is concerned. Accordingly, the present petition stands dismissed.

(Mohit Kumar Shah, J)

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