

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 23812 of 2020

Arising Out of PS. Case No.-401 Year-2019 Thana- TURKAULIYA District- East
Champaran

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1. MD MOSTAKIM @ MUSTAKIM @ RUHIL MIYAN @ RUHIL @ RUIL MIYAN S/O Gujul Miyan R/O Senwariya, P.S. Turkauliya, District - East Champaran.
 2. Md Minajul @ Kalu @ Kallu Miyan S/O Mojamil Miyan R/O Senwariya, P.S. Turkauliya, District - East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

For the Petitioner/s	:	Mr Patanjali Rishi, Advocate
For the S t a t e	:	Mr Ram Naresh Roy, APP
For the Informant	:	Mr Saurav Singh, Advocate

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD
ORAL ORDER

3 16-10-2020

As of now, the Courts have not resumed normal physical hearing. The matter has been listed today for consideration through Video Conferencing.

Learned counsels are appearing and making submissions from their residence. The Court Master and Secretary are also part of this virtual Court proceedings with the aid of audio visual technology.

Heard learned counsel for the petitioners, informant and the learned APP for the State.

Petitioners apprehend their arrest in connection with Turkauliya Police Station (for brevity *PS*) Case No 401 of 2019 dated 22.06.2019 instituted for the offence punishable under Section 341, 323, 324, 307, 504/34 of Indian Penal Code



(for brevity, *IPC*).

The petitioners, along with others, have allegedly assaulted the prosecution parties by various lethal weapons.

It is submitted by the petitioners' counsel that the prosecution is counterblast to Turkauliya PS Case No 387 of 2019. This fact is evident from the institution of the instant case on 22.06.2019 in relation to the alleged occurrence dated 19.06.2019. The Court below has not referred to any specific injuries being found on the person of the alleged victims of assault. It is palpably a false case wherein general and omnibus allegations have been made to cover up the allegations made against the prosecution party under Section 302 of IPC in Turkauliya PS Case No 387 of 2019.

Learned counsel for the informant and learned APP for the State have submitted that petitioners have assaulted the mother of the informant and wife of brother of the informant. As specific allegations are made in the first information report, the petitioners are not entitled to privilege of anticipatory bail.

In the facts and circumstances of the case, prayer of petitioners for grant of anticipatory bail is allowed. In the event of surrender/arrest of the petitioners, named above, before the Court below, within four (04) weeks from today, they shall be



released on bail on each of them furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, East Champaran at Motihari in Turkauliya PS Case No 401 of 2019 subject to the conditions as laid down under Section 438 (2) of Criminal Procedure Code and also the following conditions:-

(i) That one of the bailors will be a close relative of the petitioners who will give an affidavit giving genealogy as to how he is related with the petitioners. The bailor will also undertake to inform the Court if there is any change in the address of the petitioners.

(ii) That the petitioners will be well represented on each date and if they fails to do so on two consecutive dates, their bail bond will be liable to be cancelled.

Learned counsel for the petitioners is expected to honour his undertaking given in the instant proceedings today for depositing requisite Court fee and removing the defect (s), as pointed out, when called upon to do so.

(Madhuresh Prasad, J)

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