

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29348 of 2020

Arising Out of PS. Case No.-142 Year-2019 Thana- LAURIA District- West Champaran

1. Md. Jahagir Devan, Age-28 years, Male, Son of - Mansfar Devan
 2. Tabrej Devan @ Sonu Devan Age-26 years, Male, Son of - Mansfar Devar
 3. Md. Arif Age-28 years, Male, Son of - Sheikh Ijaharul
All resident of Village-Sheikh Toli, P.S.-Lauriya, District- West Champaran.
- Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mrs. Rashmi Bharti, Advocate
For the Opposite Party : Mr. Md. Fahimuddin, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 10-11-2020 Heard learned counsel appearing on behalf of the
petitioners and learned counsel appearing on behalf of the State.

The petitioners are in custody in connection with Lauriya P.S. Case No. 142 of 2019 (G.R. No. 3352 of 2019) for the offence under Sections 147, 148, 149, 341, 323, 324, 307, 506 and 427 of the Indian Penal Code and subsequently, Section 302 of the IPC was added.

Learned counsel appearing on behalf of the petitioners would submit that the petitioners have no criminal antecedents. Referring to the prosecution case, learned counsel submits that there is specific accusation of overt act leading to death of Md. Aftab Alam against co-accused Md. Mansfar Devan. So far as petitioners are concerned, there is no specific accusation of any overt act. Learned counsel further submits that the allegations



against the petitioners are general and omnibus in nature.

Learned counsel appearing on behalf of the petitioners submits that on account of the land dispute, there is free fight between the parties and there is case and counter case. She also submits that similarly circumstanced co-accused persons, namely, Danish Alam and Haidar Ali @ Haidar Gaddi have been granted bail by different Benches of this Court vide orders dated 04.12.2019 and 16.03.2020 passed in Cr. Misc. No. 78916 of 2019 and Cr. Misc. No. 74021 of 2019, respectively. Petitioners are in custody since 03.01.2020.

Considering the fact that specific accusation of overt act was against co-accused Md. Mansfar Devan and that other similarly circumstanced accused persons have been granted bail, the Court is inclined to grant bail to the petitioners. The petitioners, named above, are directed to be released on bail on furnishing bail bonds of Rs.50,000/- (Rupees fifty thousand) each with two sureties of the like amount each to the satisfaction of 1st Additional Chief Judicial Magistrate, Bettiah, West Champaran in connection with Lauriya P.S. Case No.142 of 2019 (G.R. No. 3352 of 2019).

(Anil Kumar Upadhyay, J)

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