

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33639 of 2020

Arising Out of PS. Case No.-407 Year-2020 Thana- MASHRAK District- Saran

1. JAVED MIAN @ JAVED ALAM, Gender-Male, aged about 20 years, S/o Late Babuddin Miya, Resident of Village-Harpur Jan, P.S.-Mashrak, District-Saran at Chapra.
2. CHAND ALAM, Gender-Male, aged about 24 years, S/o Gadina Miya, Resident of Village-Harpur Jan, P.S.-Mashrak, District-Saran at Chapra.
3. AALAMGIR MIAN, Male, aged about 28 years, S/o Late Rojaddin Miya, Resident of Village-Harpur Jan, P.S.-Mashrak, District-Saran at Chapra.
4. ISRAIL MIAN, Gender-Male, aged about 30 years, S/o Bhikhari Miya, Resident of Village-Harpur Jan, P.S.-Mashrak, District-Saran at Chapra.
5. SADDAM ALAM, Gender-Male, aged about 22 years, S/o Kalamuddin Miya, Resident of Village-Harpur Jan, P.S.-Mashrak, District-Saran at Chapra.
6. MAINUDDIN MIAN, Gender-Male, aged about 22 years, S/o Rafik Miya, Resident of Village-Harpur Jan, P.S.-Mashrak, District-Saran at Chapra.
7. MD. HANIF, Gender-Male, aged about 24 years, S/o Nizamuddin Mian, Resident of Village-Harpur Jan, P.S.-Mashrak, District-Saran at Chapra.
8. MANUDDIN MIAN, Gender-Male, aged about 28 years, S/o Kalamuddin Miya @ Kalamuddin Resident of Village-Harpur Jan, P.S.-Mashrak, District-Saran at Chapra.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners	:	Mr. Jeetendra Narayan, Advocate.
For the State	:	Mr. Md. Arif, A.P.P.
For the Informant	:	Mrs. Veena Singh, Advocate.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 16-12-2020 Due to COVID-19 Pandemic, the matter is being taken up by way of virtual Court proceeding.

The matter has been listed under the heading ‘For Orders’ under the orders of Hon’ble the Chief Justice.

Learned counsel for the petitioners is directed to



remove the defects, as pointed out by the office, within a period of four weeks after restoration of normalcy.

Heard learned counsel for the petitioners, learned counsel for the informant and learned A.P.P. for the State.

The petitioners seek bail in a case for the offence registered under Sections 147, 148, 149, 341, 323, 307, 324, 325, 504, 506 and 188 of the I.P.C.

The prosecution story, in brief, is that on 18.07.2020 at about 5.00 P.M., when the informant was uprooting the grass in his field, suddenly, accused Saddam Alam, Parvej Alam, Ramjan Alam and Laddan Alam armed with *Rods* and *Belt* attacked on him due to the occurrence of 17.07.2020. He raised alarm, all the accused persons fled away. After some time, accused persons, namely, Bigu Mian, Likhu Mian, Roza Mian, Molazim Mian, Bhikhu Mian, Aslam Mian, Md. Hanif, Israil Mian, Alam Gir, Javed Mian, Raj Mohammad, Chand Alam and Mainuddin Mian armed with *Sword*, *Farsa* and *Rod* in their respective hands came and assaulted the informant due to which he became badly injured and fell down on the ground. On the alarm raised, when his *Pattidar*, namely, Bigan Rai, Anup Rai, Guddu Kumar Nandesh Rai and Bhola Rai came to save him, accused person also assaulted them due to which they became



badly injured and fell on the ground. On the further alarm raised, people from the vicinity came and took the injured to *Masrak P.H.C.* for treatment from where they were referred to *Sadar Hospital, Chapra* for better treatment.

It has been submitted by learned counsel for the petitioners that the petitioners are in custody since 18.07.2020. The petitioners have got no criminal antecedent except petitioner no. 2. Charge sheet has been submitted in the present case. There is no allegation of tampering with the witnesses alleged against the petitioners. The petitioners have falsely been implicated in the present case. General and omnibus allegation has been made against the petitioners. No specific overt act is alleged against the petitioners. No specific injury is alleged against the petitioners. There is case and counter case between the parties. Free fight is alleged to have taken place between the parties. Injury on the accused side has not been explained by the prosecution. The prosecution has not come with the clean hands.

On behalf of the learned counsels for the State and the informant, it has been submitted that the petitioners are named in the F.I.R.

Considering the aforesaid facts and circumstances of the case, the petitioners above named, is directed to be released



on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of the learned J.M. Ist Class, Saran at Chapra, in connection with Masrak @ Mashrak @ Masharak P.S. Case No. 407 of 2020.

(Sudhir Singh, J)

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