

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63493 of 2019**

Arising Out of PS. Case No.-667 Year-2018 Thana- MUFFASIL District- West Champaran

MONIF MIAN @ MANIF MIYAN @ MONIF MIYAN Son of Jaan Miyan
@ Ejam Mian @ Miyanjan Miyan Resident of Village- Bharpatia, P.S.-
Bettiah Muffasil (Manuapul), District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar No 7

For the Opposite Party/s : Mr.Nirmala Kumari

**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER**

4 25-06-2020 The present petition has been taken up for consideration through the mode of Video conferencing in view of the prevailing lock-down on account of COVID 19 Pandemic, requiring social distancing.

Heard the learned counsel for the petitioner and the learned APP for the State.

The present petition is by way of 2nd attempt at the behest of the petitioner inasmuch the earlier petition for grant of bail *qua* the petitioner herein was rejected by an order dated 26.02.2019 passed in Cr. Misc. No. 11864 of 2019 in connection with Bettiah Muffasil (Manuapul) P.S. Case No. 667 of 2018 for the offence punishable under Sections 307 and other allied Sections of the Indian Penal Code, however, liberty was granted



to the petitioner to move this Court for grant of bail after six months.

The learned counsel for the petitioner has submitted that the petitioner has filed the present petition in view of the liberty granted by this Court earlier, to renew his prayer for bail upon completion of six months. It is further submitted that a general and omnibus allegation has been levelled against a mob of about 40 female and 150 male persons who had engaged in pelting bricks and stones at the alleged date and time of occurrence, resulting in the police and other people being injured. It is further submitted that the petitioner is innocent and has been falsely implicated in the instant case as also he is languishing in custody since 11.12.2018 and is having a clean antecedent. Lastly, it is submitted that similarly situated co-accused persons have already been granted the privilege of regular bail by this Court by an order dated 09.06.2020, passed in Cr. Misc. no. 58384 of 2019.

Per contra, the learned APP appearing for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the observations made by this Court in its earlier order dated 26.02.2019 as also considering the fact that



there is no allegation of any sort of specific overt act as against the petitioner herein and a general and omnibus allegation has been levelled apart from the fact that the petitioner is having a clean antecedent and is languishing in custody since 11.12.2018, I deem it fit and proper to direct for release of the petitioner on regular bail. According, the petitioner, above named, is directed to be released on regular bail on furnishing bail bonds of Rs. 10,000/- each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, West Judicial Magistrate, West Champaran at Bettiah in connection with Bettiah Muffasil (Manuapul) PS case no. 667 of 2018.

(Mohit Kumar Shah, J)

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