

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63016 of 2019

Arising Out of PS. Case No.-394 Year-2019 Thana- BAGHA District- West Champaran

1. ALI AHMAD @ ALI AHAMAD MIYA @ ALI AHAMAD Son of Late Sarfudin Miyan @ Saifudin Resident of Village-Nara Parsauni, P.S.-Bhairoganj, District-West Champaran.
2. Molajim Khan Son of Jahur Khan Resident of Bhairoganj Bazar, P.S.-Bhairoganj, District-West Champaran.
3. Alihasan Baitha @ Alihasan Miya Son of Late Shahid Miya @ Shahid Baitha Resident of Village-Nara Parsauni, P.S.-Bhairoganj, District-West Champaran
4. Aas Mohammad @ Aaj Mohammad Baitha @ Aas Mohammad Baitha Son of Late Aras Baitha Resident of Bhairoganj Bazar, P.S.-Bhairoganj, District-West Champaran.
5. Mumtaz Miya @ Mumtaz Aalam Son of Late Mustafa Miya @ Mustaque Miya Resident of Bhairoganj Bazar, P.S.-Bhairoganj, District-West Champaran.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr.Uday Shankar Pandey
For the Opposite Party/s :	Mr.Harendra Prasad
	Mrs. Anita Kumari Singh, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 12-06-2020 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, requiring social distancing.

Heard Shri Yogesh Chandra Verma, the learned Senior counsel for the petitioners and Smt. Anita Kumari Singh, the learned APP appearing for the State.



The petitioners apprehend their arrest in connection with Bagaha (Bhairoganj) P.S. Case No. 394 of 2019, for the offence punishable under Sections 324, 279, 504 and other allied sections of the Indian Penal Code.

The case of the prosecution in brief is that at about 7 A.M. on 20.07.2019, while the informant was sitting at his door, the FIR named accused persons, armed with lathi, bhala and tangi, had come and had started abusing the informant. It is further alleged that thereafter the petitioners herein had given a tangi blow on the leg of the informant and other accused persons had also assaulted the informant and all the accused persons had then taken away steel box, table fan, T.V. and a sum of Rs. 20,000/-, apart from some ornaments

The learned Senior counsel appearing for the petitioners has submitted that the injury sustained by the informant has been found to be simple in nature and a false accusation has been made against the petitioners and other accused persons. It is further submitted that the petitioners are innocent, have been falsely implicated in the present case and are having a clean antecedent. It is also submitted that the petitioners are ready to abide by such conditions as may be deemed fit and proper to be imposed by this Court for the purposes



of grant of anticipatory bail.

The learned counsel for the informant has vehemently opposed the prayer for anticipatory bail and has referred to paragraph-17 of the case diary to suggest that the fardbeyan of the informant has been changed and the police has engaged itself in fatched up investigation, hence, it is submitted that the petitioners do not deserve anticipatory bail especially since they have inflicted deadly blow on the leg of the informant by means of tangi.

The learned A.P.P. appearing for the State has also vehemently opposed the prayer for anticipatory bail.

Having regard to the facts and circumstances of the case and considering the submissions made by the learned counsel for the petitioner and taking into account the fact that the injury sustained by the petitioners has been found to be simple in nature, I deem it fit and proper to admit the petitioners to the privilege of anticipatory bail, however, subject to certain conditions stipulated herein below.

Accordingly, in the event of arrest or surrender in the court below within a period of four weeks from today, the petitioners, above named, are directed to be released on anticipatory bail on furnishing bail- bonds of Rs. 10,000/- each



with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-1st Class, Bagaha, West Champaran in connection with Bagaha (Bhairoganj) P.S. Case No. 394 of 2019, subject to the conditions laid down under Section 438(2) of the Code of Criminal Procedure.

It is further directed that the petitioners would mark their presence before the Superintendent of Police, Bagaha at 10 A.M. on each and every Monday of the month and on account of their failure on two consecutive occasions to mark their attendance, the present privilege of anticipatory bail shall stand revoked automatically.

(Mohit Kumar Shah, J)

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