

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13244 of 2021

Arising Out of PS. Case No.-75 Year-2020 Thana- KANGLI District- West Champaran

1. SUBER ALAM Son of Jajul Miyan Resident of Village - Maswas, P.S.- Kangali, District - West Champaran
2. Jajul Hawari @ Ejajul Miyan Son of Late Sadik Miyan Resident of Village - Maswas, P.S.- Kangali, District - West Champaran

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

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

For the Opposite Party/s : Mr. Humayou Ahmad Khan

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

2 06-08-2021 As prayed for, let the learned counsel appearing for the petitioners remove the defect(s), as pointed out by the office vide its notes dated 17.02.2021, within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioners and the learned A.P.P. for the State through video conferencing.

Learned counsel appearing on behalf of the petitioners seeks permission to withdraw the application filed on behalf of the petitioner No.2, namely, Jajul Hawari @ Ejajul Miyan as he has already been apprehended by the Police.

In view of the above, the application filed on behalf of the petitioner No.2, namely, **Jajul Hawari @ Ejajul**



Miyan is dismissed as withdrawn.

The petitioner No.1 Suber Alam apprehends his arrest in connection with Kangali P.S. Case no. 75 of 2020, registered under Section 323, 324, 341 and 307/34 of the Indian Penal Code.

The accusation is that 07.09.2020, in the campus of Government High School, Maswas, selection of night guard was going on, at that time, Suber Alam (Petitioner No.1) went to the roof of the school and started making video of the courtyard of Abdul Karim Ansari on which cousin of Abdul Karim Ansari made protest. Thereafter, Suber Alam was removed from the campus of the school. In the meantime, Jajul Hawari, father of Suber Alam, came and both started scuffle. In that course, Suber Alam (Petitioner No.1) gave knife blow to Rannu Alam, cousin of informant. At that time, Irfan Ansari and Rustam Miyan also sustained injury.

Learned counsel for the petitioner No.1 submits that the injuries as found on the person of Rannu Alam and Irfan Ansari are simple in nature. Further submission is that, in fact, due to dirty village politics hot talk exchanged, but, informant, with ulterior motive, lodged the present case. The petitioner No.1 has no criminal antecedent.



Having regard to the facts and circumstances of the case, let the petitioner No.1, namely, Suber Alam, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-VII-cum-Special Judge (POCSO), Bettiah, West Champaran in connection with Kangali P.S. Case No. 75 of 2020, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

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