

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28258 of 2020

Arising Out of PS. Case No.-172 Year-2020 Thana- CHOUTARWA District- West
Champaran

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1. TUFANI MIAN @ HEDAYATULLAH, S/o - Saifullah Mian
 2. Saifullah Mian, S/o Late Reyajul Mian
Both Resident of Village - Raibari Mahuawa, P.S. - Chautarwa, District -
West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Kr Singh No. 1, Advocate
For the Opposite Party/s : Mr. Nityanand, A.P.P.

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

3 29-01-2021 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

The petitioners are apprehending their arrest in a case
registered for the offences punishable under Sections 323, 324,
325, 341, 379, 307 and 504/34 of the Indian Penal Code.

Petitioner No. 2 Saifullah Mian, who is father of
petitioner no. 1, allegedly slit the throat of the informant. The
Doctor has not found any injury at the throat of the informant.
Petitioner No. 1 Tufani Mian @ Hedayatullah caused injury
with knife at the chest of the informant. The Doctor has found
sharp cut wound at the chest of the informant, simple in nature.

Considering the nature of allegation against petitioner
no. 1 Tufani Mian @ Hedayatullah which is corroborated by



medical evidence as well as statement of other witnesses before the police, I am not inclined to enlarge him on anticipatory bail. Hence, petitioner no. 1 Tufani Mian @ Hedayatullah may surrender and pray for regular bail within a period of four weeks.

Since allegation against petitioner no. 2 is not supported by any other witnesses or the medical evidence, hence, let the petitioner no. 2 Saifullah Mian, in the event of his arrest or surrender before the learned Court below within a period of thirty days from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs.20,000/- (rupees twenty thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with Chautarwa Police Station Case No. 172 of 2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure as well as subject to the following conditions:-

(a) The petitioner no. 2 shall fully cooperate with the investigation/trial of the case, failing which the learned Court below shall be at liberty to cancel the bail bond of the petitioner no. 2.

(b) Both the bailors shall be resident of territorial



jurisdiction of the learned Court below.

(c) The petitioner no. 2 shall not leave the country
without permission of the learned Trial Court.

(Birendra Kumar, J)

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