

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23569 of 2020

Arising Out of PS. Case No.-222 Year-2019 Thana- PAHARPUR District- East Champaran

Musafir Miyan @ Mosafir Miyan, Son of Mobarak Miyan, Resident of
Village - Saraiya Bazar, P.S.- Paharpur, District - East Champaran.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dhurendra Kumar, Adv.

For the Opposite Party/s : Ms. Gulnar Begum, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

5 08-01-2021 Heard learned counsel for the petitioner and Ms.
Gulnar Begum, learned APP for the State.

The petitioner in the present case is seeking pre-arrest
bail in connection with Paharpur P.S. Case No.222 of 2019
registered for the offences punishable under Sections 147, 148,
149, 341, 323, 324, 302 and 504 of the Indian Penal Code.

From the First Information Report it would appear
that the petitioner has been named as one amongst 9 accused
persons who had allegedly assembled at the place of occurrence,
however, the specific allegation of commission of overt act is
against Mirja Miyan and Mobarak Miyan.

Learned counsel for the petitioner submits that this is
a case of over implication of the accused because of the village
rivalry. So far as this petitioner is concerned, he has been though
named in the FIR but no overt act at all has been raised against



this him. He has otherwise no criminal antecedent.

Ms. Gulnar Begum, learned APP for the State has gone through the case diary. This Court has been informed that so far as this petitioner is concerned, there is no allegation of commission of overt act against him. It is further informed that some of the co-accused namely Kuraisha Khatoon, Raish Alam and Noor Emam have been granted privilege of anticipatory bail by a learned coordinate Bench of this Court in Cr.Misc.No.78896 of 2019. Babar Mian @ Babar Ali has also been granted privilege of anticipatory bail in Cr.Misc.No.82175/2019.

Having regard to the facts and circumstances of the case wherein there is no specific allegation against this petitioner and the accused similarly situated have been granted privilege of anticipatory bail by a learned coordinate Bench of this Court, let the petitioner above-named in the event of his arrest or surrender within a period of four weeks from today in connection with Paharpur P.S. Case No.222 of 2019 be released on bail on furnishing of bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, East Champaran at Motihari, subject to the conditions as laid down



under Section 438 (2) of the Cr.P.C. i.e.

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

