

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35729 of 2020

Arising Out of PS. Case No.-329 Year-2020 Thana- BAGHA District- West Champaran

1. Shahwaj Miya @ Shahbaj Miyan @ Md. Shahanwaz Miyan @ Shahanwaz S/o Shaheb Miyan Resident of Village-Dubay Tola (Ramdham Mandir), Ward No.26, P.S.-Bagaha, District-West Champaran (Bihar).
2. Md. Shaheb @ Saheb Miyan S/o Raja Miyan Resident of Village-Dubay Tola (Ramdham Mandir), Ward No.26, P.S.-Bagaha, District-West Champaran (Bihar).
3. Md. Afroz Alam @ Md. Afroj S/o Saheb Miyan Resident of Village-Dubay Tola (Ramdham Mandir), Ward No.26, P.S.-Bagaha, District-West Champaran (Bihar).
4. Md. Akbar Ali @ Akbar Miyan S/o Raja Miyan Resident of Village-Dubay Tola (Ramdham Mandir), Ward No.26, P.S.-Bagaha, District-West Champaran (Bihar).

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Suresh Prasad Sharma, Advocate

For the Opposite Party/s : Mr. Umesh Lal Verma, A.P.P

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

2 25-06-2021 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 16.12.2020, 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.

The petitioners apprehend their arrest in connection with Bagaha P.S. Case no. 329 of 2020, registered under Sections 147, 149, 341, 323, 324, 307, 379, 504 and 506



of the Indian Penal Code.

The accusation is that on 10.06.2020, at about 3.00 P.M. Saheb Miyan was indulged in digging a pit adjacent to wall of informant Lallu Mian then informant made protest on which seven persons named in the F.I.R., including the petitioners, came there variously armed with weapons. At that time, Saheb Miyan started to abuse and ordered to kill on which Saheb Miyan gave iron rod blow at his head, but in defence, he sustained injury in his left wrist and back. When his Bhabhi Hina Khatoon and wife Shima Khatoon rushed to save then they were also assaulted and misbehaved by them. At that time, Akbar Miyan (Petitioner No.4), Md. Afroz Alam (petitioner No.3) and Shahwaj Miyan (Petitioner No.1) caused injury at the head of Hina Khatoon through Lathi and Sima Khatoon was also assaulted by them. At that time, Afroz Miyan and Shahwaj Miyan dashed him in ditch and gave lathi blow causing injury at his head. Afsana Khatoon, wife of Saheb Miyan, Sitara Khatoon and Julekha Khatoon snatched gold ornaments from the person of his wife and Afroz Miyan (Petitioner No.3) snatched cash of Rs. 5000/- and mobile from the informant.

Learned counsel for the petitioners submits that



due to land dispute hot talk exchanged in between the parties in which informant fell down on the ground and sustained slight injury. The petitioners have no criminal antecedent.

Having regard to the facts and circumstances of the case, let the above named petitioners, be released on bail, in the event of their 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) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M-I, Bagaha, West Champaran in connection with Bagaha P.S. Case no. 329 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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