

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4350 of 2021

Arising Out of PS. Case No.-241 Year-2020 Thana- NAUTAN District- West Champaran

1. Maneer Alam @ Muneer Alam Son of Biga Miyan (Mian) Resident of Village- Majharia Kishun, P.S.- Nautan (Jagdishpur), District- West Champaran.
2. Manjur Alam Son of Thag Miyan Resident of Village- Majharia Kishun, P.S.- Nautan (Jagdishpur), District- West Champaran.
3. Thag Miyan (Mian) Son of Late Hanif Miyan (Mian) Resident of Village- Majharia Kishun, P.S.- Nautan (Jagdishpur), District- West Champaran.
4. Biga Miyan (Mian) Son of Late Hanif Miyan (Mian) Resident of Village- Majharia Kishun, P.S.- Nautan (Jagdishpur), District- West Champaran.
5. Monab Alam Son of Late Rajmohammad Miyan (Mian) Resident of Village- Majharia Kishun, P.S.- Nautan (Jagdishpur), District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Umesh Chandra Verma
For the Opposite Party/s : Mr.Sunil Pandey

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3. 21-06-2021 Heard learned counsel for the parties through video conferencing.

The petitioners seek bail in Nautan (Jagdishpur) P.S. Case No. 241 of 2020, registered for the offence under Sections 147, 148, 149, 120-B, 109, 324, 324, 326, 307 and 302 of the Indian Penal Code.

As per the prosecution case, on 13.07.2020 at about 9:00 PM, on the order of petitioner no. 3 (Thag Miyan), all the F.I.R. named accused persons, variously armed with lathi, danda



and iron rod, assaulted the father of the informant, as a result of which, he sustained multiple injuries and died during course of treatment. It is further alleged that in the occurrence, informant alongwith 4-5 persons were also assaulted by the petitioners.

It is submitted on behalf of petitioners that petitioners have been falsely implicated in this case due to land dispute between the parties and a title suit, vide Title Suit No. 44 of 2017, is also pending in the court of learned Munsif, Bettiah. No specific overt act has been alleged against these petitioners. Petitioner no. 3 is only alleged to be order-giver and so far as other petitioners are concerned, the allegation of assault is general and omnibus in nature. Petitioner no. 1, 2, 4 & 5 claim clean antecedent, whereas, petitioner no. 3 is accused in one case, in which, he is on bail. Petitioner no. 1 & 2 are in custody since 15.07.2020, whereas, petitioner no. 3 to 5 are in custody since 23.09.2020. Investigation is complete.

However, learned A.P.P. for the State has opposed the bail petition and submitted that petitioners alongwith other accused brutally assaulted father of the informant and informant alongwith other 4-5 persons sustained injury.

Considering the rival submissions of the parties, materials available on record and the fact that there is general &



omnibus allegation of assault against petitioners, the bail petition of petitioners is allowed. Let the above named petitioner be released on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, West Champaran at Bettiah in connection with Nautan (Jagdishpur) P.S. Case No. 241 of 2020, on the following conditions:

“(1) Petitioners shall cooperate in the trial and shall be properly represented on each and every date fixed by the court below and shall remain physically present, as directed by the court below, and on their absence on two consecutive dates without sufficient reason, their bail-bond shall be cancelled by the court below.

(2) If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.”

(Prabhat Kumar Singh, J.)

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