

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6807 of 2022

Arising Out of PS. Case No.-387 Year-2019 Thana- TURKAULIYA District- East
Champaran

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1. ANWAR MIAN @ ANWAR ALAM S/o- Late Sattar Mian R/o Village-
Senwariya, P.S. Turkauliya, District- East Champaran.
 2. Tabrej Alam @ Tabrej Mian S/o- Late Sattar Mian R/o Village- Senwariya,
P.S. Turkauliya, District- East Champaran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nafisuzzoha, Adv.

For the Opposite Party/s : Mr. Shailendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA

ORAL ORDER

3 30-03-2022 Heard Mr. Nafisuzzoha, learned counsel for the

petitioners and Mr. Shailendra Kumar, learned APP for the

State.

This is the third attempt for grant of regular bail on
behalf of the petitioners inasmuch as earlier on two occasions,
the bail application of the petitioner was dismissed *vide* order
dated 28.05.2020 passed in Cr. Misc. No. 1020/2020 and *vide*
order dated 15.09.2021 passed in Cr. Misc. No. 32871/2021
respectively.

The allegation against the petitioners is that they
assaulted the husband of the informant by means of *Lathi*,
Danda and rod etc., due to which he died.



Learned counsel for the petitioners submits that both the parties are close relatives and neighbours and the occurrence had taken place due to some family dispute. There is case and counter case between the parties inasmuch as Turkaulia PS Case No. 401/2019 under Sections 341, 323, 324, 307, 504/34 IPC has been lodged against the informant and others by petitioner. Learned counsel next submits that petitioners are in custody since 22.06.2019.

While rejecting the second bail application of the petitioner on 15.09.2021, on the basis of report furnished by the learned court below that the trial was likely to be concluded within four months, this Court had granted liberty to the petitioners to renew their prayer for bail after four months. The learned trial court also stated in its report that the charges against the petitioners have already been framed.

This Court *vide* order dated 16.02.2022 had again called for a report from the court of learned Chief Judicial Magistrate, Motihari, East Champaran regarding stage of the trial and in pursuance thereof, the report *vide* Letter No. 64 dated 25.02.2022 has been received and from perusal of the same, it would be evident that none of the witnesses has been examined since last rejection of bail application of the



petitioners.

In view of the fact that the petitioners remained in custody since 22.06.2019 and there is tardy progress in the trial, I am inclined to grant regular bail to the petitioners subject to the condition that petitioners will be well represented on each and every date in the trial and if they fail to do so on two consecutive dates, their bail bonds will be liable to be cancelled.

Accordingly, let the petitioners, namely, 1. ANWAR MIAN @ ANWAR ALAM and 2. TABREJ ALAM @ TABREJ MIAN be released on bail on furnishing bail bond of Rs. 20,000/- (Twenty Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Motihari, East Champaran in connection with Turkauliya PS Case No. 387/2019.

(Anil Kumar Sinha, J)

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