

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10841 of 2022

Arising Out of PS. Case No.-564 Year-2021 Thana- SIKARPUR District- West Champaran

RIYAJUL MIYA @ REYAJUL MIYA Son of Late Haid Miya Resident of
Village - Panchmawa, P.s.- Shikarpur, Distt.- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bimlesh Kumar Pandey

For the Opposite Party/s : Mr.Madhura Nand Jha

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 13-06-2022 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Shikarpur
P.S. Case No. 564/2021, registered for the offence under
Sections 341, 323, 325, 307, 379, 504/34 of the Indian Penal
Code.

The accused/petitioner is named in the F.I.R. and is in
custody since 12.01.2022.

The allegation against the accused/petitioner is to
assault the informant and his family members along with other
co-accused persons equipped with deadly weapons with
intention to cause death.



Learned counsel appearing on behalf of the petitioner submitted that the present occurrence is related with dispute for a mobile phone. It has also been submitted that the nature of allegation as regard to assault, is very much omnibus against the petitioner and also there is case and counter case between the parties for the same set of occurrence, in which both parties received injuries. While concluding the the argument, it has been submitted that petitioner is a man of clean antecedent and moreover charge-sheet has been submitted and as such, there is no chance of tampering of evidence.

Learned APP while appearing on behalf of the State while opposing the prayer for bail fairly conceded that allegation as regard to manner of assault against the petitioner is very much omnibus.

Considering the facts and circumstances as mentioned above, as allegation as regard to manner of assault against the petitioner is very much omnibus which suggest the fact that the petitioner was not under intention to cause death as alleged, coupled with the fact that the charge-sheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Shikarpur P.S. Case No. 564/2021, on furnishing bail bond of Rs. 10,000/-(Rupees Ten



Thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Bettiah, West Champaran, subject to the following condition:

(i) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court only on medical ground duly supported by the documents.

(ii) That one of the bailors shall be the deponent of the present accused/petitioner, who is Saghir Ahmad, son-in-law of the petitioner.

(Chandra Shekhar Jha, J)

Ranjeet/-

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