

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7098 of 2022

Arising Out of PS. Case No.-836 Year-2021 Thana- TURKAULIYA District- East
Champaran

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MOBARE AZAM SON OF LATE GAFFAR MIYA RESIDENT OF
VILLAGE- HARDIYA, P.S.- TURKAULIA (RAGHUNATHPUR O.P.),
DISTRICT- EAST CHAMPARAN

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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with

CRIMINAL MISCELLANEOUS No. 13673 of 2022

Arising Out of PS. Case No.-836 Year-2021 Thana- TURKAULIYA District- East
Champaran

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NOOR ALAM @ NUR ALAM Son of Geyasuddin Resident of Village-
Hardiyan, P.S.- Raghunathpur O.P. Turkauliya, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

with

CRIMINAL MISCELLANEOUS No. 13716 of 2022

Arising Out of PS. Case No.-836 Year-2021 Thana- TURKAULIYA District- East
Champaran

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ASKE ALAM S/o Geyasuddin R/o village- Hardiyan, P.S.- Raghunathpur
O.P. Turkauliya, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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with

CRIMINAL MISCELLANEOUS No. 14908 of 2022

Arising Out of PS. Case No.-836 Year-2021 Thana- TURKAULIYA District- East
Champaran

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NURUDDIN @ MD. NURUDDIN Son of Late Amruddin Resident of Village
- Hardiyan, P.s.- Raghunathpur O.P. Turkauliya, Distt.- East Champaran.



... .. Petitioner/s
Versus
THE STATE OF BIHAR Bihar
... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 7098 of 2022)

For the Petitioner/s : Mr.Asif Kalim

For the Opposite Party/s : Mr.Pramod Kumar Pandey

(In CRIMINAL MISCELLANEOUS No. 13673 of 2022)

For the Petitioner/s : Mr.Anuj Kumar

For the Opposite Party/s : Mr.Zainul Abedin

(In CRIMINAL MISCELLANEOUS No. 13716 of 2022)

For the Petitioner/s : Mr.Anuj Kumar

For the Opposite Party/s : Mr.Ganesh Prasad Singh

(In CRIMINAL MISCELLANEOUS No. 14908 of 2022)

For the Petitioner/s : Mr.Anuj Kumar

For the Opposite Party/s : Mr.Ganesh Prasad Singh

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 24-08-2022

IN CR. MISC. NO. 7098 OF 2022

Heard learned counsel appearing on behalf of the petitioner and learned counsel appearing on behalf of the State as well as learned counsel for the informant.

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

The petitioner seeks bail in connection with Turkaulia P.S. Case No. 836 of 2021 registered for the offence under Sections 147/148/149/341/323/307/379/447/448/120-B/504 of the Indian Penal Code and Section 302 of the IPC was added, later on.

The accused/petitioner is not named in the F.I.R. and is in custody since 04.11.2021.



The allegation against the petitioner is to commit murder of brother of the informant along with other co-accused persons, equipped with deadly weapon like iron rod, farsa, etc. for neighbourhood disputes and differences.

Learned counsel appearing on behalf of the petitioner submitted that admittedly, there are contradictions as regard to specific allegation against this petitioner, where name of petitioner surfaced during course of investigation for the reason that another eye-witness, who is none, but son of the informant specifically named the co-accused, namely, Nuruddin @ Md. Nuruddin and Munner @ Tabrez Alam to cause fatal assault. It is also submitted that contradictions got its strength further during course of investigation that as one another eye-witness of the occurrence not named this petitioner as regard to specific assault, causing death of the brother of the informant. It is also submitted that petitioner is agnate and when this petitioner visited to Hospital to see his agnate i.e. victim of Turkaulia P.S. Case No. 835 of 2021, he has falsely been implicated in the present case. It is also submitted that the allegation as regard to assault is very much general and omnibus in nature against this petitioner rather same is specific against Aske Alam, as per bare perusal of FIR. It is also submitted that petitioner is a man of



clean antecedent. While concluding the argument, it is submitted that investigation of this case has been completed, for which, charge-sheet has already been submitted, as such, there is no chance of tampering with the evidence.

Learned APP duly assisted by learned counsel for the informant, while opposing the prayer of bail, fairly conceded the fact that contradictions surfaced during course of investigation, as regard to the fatal assault.

Considering the facts and circumstances as mentioned above, as material contradictions surfaced during course of investigation, as per version of different eye-witnesses regarding fatal assault causing death of brother of the informant coupled with the fact that charge-sheet has already been submitted in this case, let the petitioner, above named, is directed to be released on bail in connection with Turkaulia P.S. Case No. 836 of 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., East Champaran at Motihari / concerned court, subject to the following conditions:

“(i) That petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing which, the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.



(ii) 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 of the petitioner duly supported by the documents.

(iii) That one of the bailors shall be deponent of the present bail petition.”

IN CR. MISC. NO. 13673 OF 2022

Heard learned counsel appearing on behalf of the petitioner and learned counsel appearing on behalf of the State as well as learned counsel for the informant.

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

The petitioner seeks bail in connection with Turkaulia P.S. Case No. 836 of 2021 registered for the offence under Sections 147/148/149/341/323/307/379/447/448/120-B/504 of the Indian Penal Code and Section 302 of the IPC was added, later on.

The accused/petitioner is named in the F.I.R. and is in custody since 06.01.2022.

The allegation against the petitioner is to commit murder of brother of the informant along with other co-accused persons, equipped with deadly weapon like iron rod, farsa, etc.



for neighbourhood disputes and differences.

Learned counsel appearing on behalf of the petitioner submitted that admittedly, there is a contradictions as regard to specific allegation against this petitioner, where name of petitioner surfaced during course of investigation for the reason that another eye-witness, who is none, but son of the informant specifically named the co-accused, namely, Nuruddin @ Md. Nuruddin and Munner @ Tabrez Alam to cause fatal assault. It is also submitted that contradictions got its strength further during course of investigation that as one another eye-witness of the occurrence not named this petitioner as regard to specific assault, causing death of the brother of the informant. It is also submitted that the occurrence in totality is nothing but free fight between the parties, where, both the parties received injuries, negating thereof intention to cause death, for which, a counter case was also lodged by the petitioner, for the said occurrence bearing Turkaulia P.S. Case No. 835 of 2021, prior to this case. It is also submitted that the allegation as regard to assault is very much general and omnibus in nature against the petitioner rather same is specific against Aske Alam, as per bare perusal of FIR. It is also submitted that petitioner is a man of clean antecedent. While concluding the argument, it is submitted that



investigation of this case has been completed, for which, charge-sheet has already been submitted, as such, there is no chance of tampering with the evidence.

Learned APP duly assisted by learned counsel for the informant, while opposing the prayer of bail, fairly conceded the fact that contradictions surfaced during course of investigation, as regard to the fatal assault.

Considering the facts and circumstances as mentioned above, as material contradictions surfaced during course of investigation, as per version of different eye-witnesses regarding fatal assault causing death of brother of the informant coupled with the fact that charge-sheet has already been submitted in this case, let the petitioner, above named, is directed to be released on bail in connection with Turkaulia P.S. Case No. 836 of 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., East Champaran at Motihari / concerned court, subject to the following conditions:

“(i) That petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing which, the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) 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 of the petitioner duly supported by the documents.

(iii) That one of the bailors shall be deponent of the present bail petition.”

IN CR. MISC. NO.13716 OF 2022

Heard learned counsel appearing on behalf of the petitioner and learned counsel appearing on behalf of the State as well as learned counsel for the informant.

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

The petitioner seeks bail in connection with Turkaulia P.S. Case No. 836 of 2021 registered for the offence under Sections 147/148/149/341/323/307/379/447/448/120-B/504 of the Indian Penal Code and Section 302 of the IPC was added, later on.

The accused/petitioner is named in the F.I.R. and is in custody since 17.01.2022.

The allegation against the petitioner is to commit murder of brother of the informant along with other co-accused persons, equipped with deadly weapon like iron rod, farsa, etc. for neighbourhood disputes and differences.



Learned counsel appearing on behalf of the petitioner submitted that admittedly, there is a contradictions as regard to specific allegation against this petitioner, where name of petitioner surfaced during course of investigation for the reason that another eye-witness, who is none, but son of the informant specifically named the co-accused, namely, Nuruddin @ Md. Nuruddin and Munner @ Tabrez Alam to cause fatal assault. It is also submitted that contradictions got its strength further during course of investigation that as one another eye-witness of the occurrence no named this petitioner as regard to specific assault, causing death of the brother of the informant. It is also submitted that the occurrence in totality is nothing but free fight between the parties, where, both the parties received injuries, negating thereof intention to cause death, for which, a counter case was also lodged by the petitioner, for the said occurrence bearing Turkaulia P.S. Case No. 835 of 2021, prior to this case. It is also submitted that specific allegation as regard to fatal assault against this petitioner is disputed, as per FIR, in view of the other eye-witnesses as surfaced during course of investigation, as per paragraph no.2 and 23 of the case diary. It is also submitted that petitioner is a man of clean antecedent. While concluding the argument, it is submitted that



investigation of this case has been completed, for which, charge-sheet has already been submitted, as such, there is no chance of tampering with the evidence.

Learned APP duly assisted by learned counsel for the informant, while opposing the prayer of bail, fairly conceded the fact that contradictions surfaced during course of investigation, as regard to the fatal assault.

Considering the facts and circumstances as mentioned above, as material contradictions surfaced during course of investigation, as per version of different eye-witnesses regarding fatal assault causing death of brother of the informant coupled with the fact that charge-sheet has already been submitted in this case, let the petitioner, above named, is directed to be released on bail in connection with Turkaulia P.S. Case No. 836 of 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., East Champaran at Motihari / concerned court, subject to the following conditions:

“(i) That petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing which, the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) 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 of the petitioner duly supported by the documents.

(iii) That one of the bailors shall be deponent of the present bail petition.”

IN CR. MISC. NO. 14908 OF 2022

Heard learned counsel appearing on behalf of the petitioner and learned counsel appearing on behalf of the State as well as learned counsel for the informant.

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

The petitioner seeks bail in connection with Turkaulia P.S. Case No. 836 of 2021 registered for the offence under Sections 147/148/149/341/323/307/379/447/448/120-B/504 of the Indian Penal Code and Section 302 of the IPC was added, later on.

The accused/petitioner is named in the F.I.R. and is in custody since 07.01.2022.

The allegation against the petitioner is to commit murder of brother of the informant along with other co-accused persons, equipped with deadly weapon like iron rod, farsa, etc. for neighbourhood disputes and differences.



Learned counsel appearing on behalf of the petitioner submitted that admittedly, there is a contradictions as regard to specific allegation against this petitioner, where name of petitioner surfaced during course of investigation for the reason that another eye-witness, who is none, but son of the informant specifically named the co-accused, namely, Nuruddin @ Md. Nuruddin and Munner @ Tabrez Alam to cause fatal assault. It is also submitted that contradictions got its strength further during course of investigation that as one another eye-witness of the occurrence not named this petitioner as regard to specific assault, causing death of the brother of the informant. It is also submitted that the occurrence in totality is nothing but free fight between the parties, where, both the parties received injuries, negating thereof intention to cause death, for which, a counter case was also lodged by the petitioner, for the said occurrence bearing Turkaulia P.S. Case No. 835 of 2021, prior to this case. It is also submitted that the allegation as regard to assault is very much general and omnibus in nature against the petitioner rather same is specific against Aske Alam, as per bare perusal of FIR. It is also submitted that petitioner is a man of clean antecedent. While concluding the argument, it is submitted that investigation of this case has been completed, for which, charge-



sheet has already been submitted, as such, there is no chance of tampering with the evidence.

Learned APP duly assisted by learned counsel for the informant, while opposing the prayer of bail, fairly conceded the fact that contradictions surfaced during course of investigation, as regard to the fatal assault.

Considering the facts and circumstances as mentioned above, as material contradictions surfaced during course of investigation, as per version of different eye-witnesses regarding fatal assault causing death of brother of the informant coupled with the fact that charge-sheet has already been submitted in this case, let the petitioner, above named, is directed to be released on bail in connection with Turkaulia P.S. Case No. 836 of 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., East Champaran at Motihari / concerned court, subject to the following conditions:

“(i) That petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing which, the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) 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 of the petitioner duly supported by the
documents.*

*(iii) That one of the bailors shall be
deponent of the present bail petition.”*

(Chandra Shekhar Jha, J)

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