

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23911 of 2022

Arising Out of PS. Case No.-228 Year-2021 Thana- MAJHAULIA District- West Champaran

1. Ali Husain Mian @ Ali Husen Mian, Son of Kadam Rasool Mian, Resident of Village- Dudha, Ward No.- 12, P.S.- Majhauria, Dist.- West Champaran
2. Anwar Alam @ Anwar Mian, Son of Kadam Rasool Mian, Resident of Village- Dudha, Ward No.- 12, P.S.- Majhauria, Dist.- West Champaran
3. Jauwad Alam @ Jauwad Mian, Son of Raja Hussain Mian, Resident of Village- Dudha, Ward No.- 12, P.S.- Majhauria, Dist.- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Akhileshwar Kumar Shrivastva, Advocate
For the Opposite Party/s : Mr. Binod Kumar, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 03-08-2022 Learned counsel for the petitioners is permitted to remove the defect(s), as pointed out by the office, within a period of four weeks from today.

Heard Mr. Akhileshwar Kumar Shrivastva, learned counsel for the petitioners and the learned APP for the State.

The petitioners seek regular bail, who are in custody in connection with Majhauria P.S. Case No. 228 of 2021 registered for the offences punishable under Sections 302/120B/34 of the Indian Penal Code.

As per the prosecution case, it is alleged that while the informant was repairing his thatched house, in the meantime, all the accused persons variously armed obstructed to do the



repairing work and when it was protested by the uncle of the informant, co-accused Raja Hussain and Ashraf Mian assaulted him by means of Lathi and Iron rod.

It is submitted by the learned counsel appearing on behalf of the petitioners that there is general and omnibus allegation against all the accused persons, except the co-accused Raja Hussain and Ashraf Mian. It is further submitted that the deceased was in fact 80 years old and on account of free fight, he got down and sustained some injuries, which resulted into his death. It is next submitted that from the injury report furnished by the informant, it appears that the injuries sustained to the informant as well as his uncle have been found to be simple in nature. It is lastly submitted that the petitioners voluntarily surrendered on 26.02.2022 and since then they are in custody, though the investigation of the crime is completed and charge-sheet has been submitted.

On the other hand, learned APP for the State opposes the bail application and submits that there is allegation against the petitioners that he also assaulted the family members of the informant.

Having regard to the submissions made on behalf of the parties and considering the general and omnibus nature of



allegation, apart from the fact that the petitioners themselves surrendered on 26.02.2022 and moreover the investigation of the crime is completed and charge-sheet has been submitted, let the petitioners, named above, be released on bail on furnishing bail bonds of Rs. 20,000/- (Twenty Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, West Champaran, Bettiah in connection with Majhauria P.S. Case No. 228 of 2021, subject to the condition that one of the bailors will be the close relatives of the petitioners with further conditions which are as follows:-

(i) The petitioners will cooperate in conclusion of the trial.

(ii) They will remain present on each and every date of trial till disposal of the case.

(iii) They will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, their bail bonds will be liable to be cancelled.

(Harish Kumar, J)

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