

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44914 of 2021

Arising Out of PS. Case No.-228 Year-2020 Thana- KALYANPUR District- East Champaran

Khurshid Miyan @ Kurshed Miya Son of Rajbali Miyan Resident of Village-
Siswa Kharar, P.S.- Kalyanpur, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anuj Kumar, Advocate

For the Opposite Party/s : Mr. Brajendra Nath Pandey, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 10-03-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Let the defects, as pointed out by the office, be removed within four weeks of start of normal functioning of the physical court.

Petitioner seeks bail in connection with Kalyanpur P.S. Case No. 228 of 2020 registered for the offences punishable under Sections 341, 323, 324, 307, 504, 341, 379 of the Indian Penal Code, later on added under Section 302 of the Indian Penal Code.

According to prosecution case, the informant namely Aliraj Alam reported before the police that his son Shahnab Hussain aged about four years and son of Khurshid Miya (Petitioner) namely, Yusuf were fighting. In the meantime, the



informant separated them and for the same scuffle their women started abusing each other, meanwhile, Khurshid Miya (petitioner) came with iron rod and started hurling abuses them. Maksood Miya came with Lathi and Rajballi Miyan ordered to kill the informant and his family members. On which, Khurshid Miyan (petitioner) gave an iron rod blow on the head of informant's father as a result of which his father became unconscious and blood was oozing. Maksood Miya also assaulted him by Lathi. When the informant tried to rescue his father, accused persons also ran to assault the informant.

Learned counsel for the petitioner submits that petitioner has clean antecedent committed no offence and he has falsely been implicated in the present case. He further submits that it appears from the F.I.R. that there is no intention to kill the deceased and there is no repeated blow upon the deceased. He further submits that after investigation police has submitted the charge sheet against the petitioner. The petitioner is in custody since 13.10.2020.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail on the ground that there is direct allegation of assault against the petitioner.

Considering the aforesaid facts and circumstances, let



the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned 3rd Additional Sessions Judge, East Champaran at Motihari in connection with Kalyanpur P.S. Case No. 228 of 2020, subject to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of



bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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