

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48625 of 2021

Arising Out of PS. Case No.-77 Year-2021 Thana- JOGAPATTI District- West Champaran

GAFFAR MIAN S/o Late Baldin Mian Resident of Village- Donwar, Briti
Tola, P.S.- Sanichari O.P., District- 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.Dilip Kumar No. 1

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 03-03-2022 Heard.

The petitioner seeks regular bail in connection with Yogapatty (Sanichari) P.S. Case No. 77 of 2021, registered for the offence punishable under sections 147, 148, 149, 341, 342, 323, 324, 307, 302 and 504 of the Indian Penal Code.

The allegation is regarding the accused persons and the informant as also her family members having assembled for the purposes of holding of panchayati, however, quarrel had taken place whereupon the Ex. Mukhiya namely Ashok Gupta had started assaulting brother-in-law of the informant with stick (*danda*) and when the husband of the informant had come to rescue her, the petitioner and the co-accused person namely Jhanan Mian had caught hold of him while the other co-accused person namely Raski Alam Mian had inflicted knife blow on the husband of the informant resulting in him sustaining



grievous injury, whereafter he had succumbed to his injury in the hospital.

The learned counsel for the petitioner has submitted that the petitioner is innocent, has been falsely implicated in the present case and is languishing in custody since 23.03.2021. The learned counsel for the petitioner has further submitted though the petitioner is an accused in one other case, but he is on bail in the said case. It is also submitted that no allegation of having engaged in any sort of specific overt act has been levelled against the petitioner and moreover similarly situated co-accused person namely Jhanan Mian has been granted bail by a co-ordinate Bench of this Court vide order dated 01.11.2021 passed in Cr. Misc. No. 43768 of 2021.

Per contra, the learned APP for the State, has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the parties and taking into account the materials available on record as also considering the fact that the petitioner is not alleged to have engaged in any sort of specific overt act and moreover, similarly situated co-accused person has already been granted bail by a co-ordinate Bench of this Court, I deem it fit and proper to admit the petitioner to the privilege of regular bail.

Accordingly, the petitioner, above named, is



directed to be released on bail on furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of the learned Court of C.J.M., Bettiah, West Champaran in connection with Yogapatty (Sanichari) P.S. Case No. 77 of 2021.

(Mohit Kumar Shah, J)

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