

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49071 of 2021

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

SHAKIL MIYA S/o Gaffar Miya 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.Sanjay Kumar Sharma

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 03-03-2022 Heard.

The petitioner seeks regular bail in connection with Yogapatti (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 panchayati, however, quarrel had taken place whereupon the Ex. Mukhia, 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 co-accused persons namely Gaffar Mian & 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. It is further alleged that when the brother-in-law of the informant had gone to save the husband of the informant, the co-accused person namely Gafar Mian had caught hold of him, whereafter the petitioner had inflicted a knife blow on the finger of the right hand of the brother-in-law of the informant, resulting in him sustaining certain injuries.

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 06.04.2021. The learned counsel for the petitioner has further submitted that though the petitioner is an accused in one other case, but he is on bail in the said case. The learned counsel for the petitioner has referred to the injury report of the brother-in-law of the informant namely Samsudeen Mian, which is annexed to the present petition to submit that the injury sustained by him on his right index finger appears to be simple in nature in as much as the same is a lacerated wound only. It is further submitted that similarly situated co-accused person has already 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 injury sustained by the brother-in-law of the informant appears to be simple in nature, apart from the fact that the petitioner is not alleged to have engaged in any sort of specific overt act qua the deceased, 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 Yogapatti (Sanichari) P.S. Case No. 77 of 2021.

(Mohit Kumar Shah, J)

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