

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39902 of 2022

Arising Out of PS. Case No.-24 Year-2022 Thana- RAXAUL District- East Champaran

Imaran Miyan @ Imaran Mian @ Imaran Hawari Son of Late Bodhai Miyan
@ Budhai Mian Resident of Village - Sahadewa, Police Station- Raxaul,
District - East Champaran at Motihari.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shashank Shekhar Advocate
For the State : Mr. Nitya Nand Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 04-11-2022 Heard learned counsel appearing on behalf of the
petitioner and learned APP appearing on behalf of the State,
through virtual Court proceedings.

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

The petitioner seeks bail in connection with Raxaul
P.S. Case No. 24 of 2022 registered for the offence under
Sections 147, 148, 149, 341, 342, 323, 324, 307, 379, 504 and
506 of the Indian Penal Code.

The accused/petitioner is named in the F.I.R. and is in
custody since 27.04.2022.

The allegation against the petitioner is to assault the
informant and others, causing bodily injuries, while equipped



with farsa, lathi and rod etc., alongwith other co-accused persons, having intention to cause death.

Learned counsel appearing on behalf of the petitioner submitted that the occurrence is founded over long standing land dispute, where the occurrence is free fight in nature, where both the parties received injuries. It is further submitted that nature of allegation, as regard to assault, is very much general and omnibus against this petitioner, suggesting that the maximum allegation against this petitioner is to be a part of crowd only, whereas same is available specific against co-accused persons namely, Naimullah Miya and Raifullah Miya. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and, moreover, investigation of this is complete, for which, chargesheet has been submitted, as such, there is no chance of tempering with the evidence.

Learned APP opposes the prayer of bail.

In view of the facts and circumstances, as mentioned above, as allegation, as regard to assault, is very much general and omnibus against this petitioner, rather same is available specific against co-accused persons coupled with the fact that chargesheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with



Raxaul P.S. Case No. 24 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Raxaul, East Champaran at Motihari/concerned court, subject to the conditions as laid down u/s 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

Ankit/
R.S.Sen/-

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