

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51604 of 2021

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

1. SUKAT MIAN @ KAMRUDDIN MIAN S/o Niroda Mian @ Nuroda Miyan Resident of Village- Donwar, Briti Tola, P.S.- Yogapatti (Sanichari O.P.), District- West Champaran.
2. Nehal Mian S/o Niroda Mian @ Nuroda Miyan Resident of Village- Donwar, Briti Tola, P.S.- Yogapatti (Sanichari O.P.), District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar
For the Opposite Party/s : Mr.A.G

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 08-03-2022 Heard the learned counsel appearing for the petitioners and the learned A.P.P. for the State.

The petitioners seek regular bail in connection with Yogapataty (Sanichari O.P.) P.S. Case No. 77 of 2021 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 altercation having taken place on account of previous money dispute in between the brother-in-law of the informant and the accused persons including the petitioner herein whereafter the accused persons namely Shakil Mian, Raski Alam Mian, Mannan Mian and the petitioner herein are alleged to have assaulted him, however, the matter



was diffused on 18.02.2021. Subsequently, a panchayati was organized, pertaining to the said dispute on 19.02.2021, however, again quarrel had taken place leading to the ex Mukhiya namely Ashok Gupta having assaulted the brother-in-law of the informant. It is further alleged that the co-accused persons namely Jhannan Mian and Gaffar Mian had caught hold of the husband of the informant whereafter Raski Miyan had inflicted knife blow in his back resulting in his subsequent death. It is also alleged that thereafter the co-accused person namely Shakil Mian had given a knife blow on the right finger of the brother-in-law of the informant resulting in him sustaining cut injury on his fingers.

The learned counsel for the petitioners has submitted that the petitioners are innocent, have been falsely implicated in the present case, are having a clean antecedent and they are languishing in custody since 13.04.2021. It is further submitted that as far as the second portion of the FIR pertaining to the allegations of the incident having taken place on 19.02.2021 are concerned, no allegation has been levelled against the petitioners of having engaged in any sort of overt act. As regards the incident which had occurred on 19.02.2021, it is submitted that as far as the petitioner no. 2 is concerned, there



is no allegation of him having even been present at the alleged place of occurrence, however, the petitioner no. 1 along with other accused persons is stated to have assaulted the brother-in-law of the informant by lathi, danda, fist and slap, nonetheless, there is no whisper of him having sustained any injury on that day. It is also submitted that co-accused persons have already been granted bail by coordinate Benches of this Court, one of such order being the one dated 03.03.2021 passed in Criminal Misc. No. 49071 of 2021.

Per contra, the learned A.P.P. 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 learned counsel for the petitioners and taking into account the materials available on record as also considering the fact that as far as the petitioner no. 2 is concerned, there is no allegation of him having engaged in any sort of overt act and as far as the petitioner no. 1 is concerned, a general and omnibus allegation has been levelled against him pertaining to the incident which had taken place on 18.02.2021, however, on that date no injury appears to have been sustained by the brother-in-law of the informant, apart from the fact that the petitioners are having clean antecedent



and are languishing in custody since about 11 months, I deem it fit and proper to direct for release of the petitioners on regular bail.

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

(Mohit Kumar Shah, J)

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