

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47486 of 2022**

Arising Out of PS. Case No.-383 Year-2022 Thana- BAGHA District- West Champaran

1. ISLAM MIAN Son of Late Mukurchun Mian
2. Kamruddin Mian Son of Late Mukurchun Mian
3. Babusaheb Mian @ Jinna Ali Son of Kamruddin Mian
4. Mansareen Mian @ Sharif Mian Son of Late Murchun Mian
All R/V- Chakhani, P.S- Bagaha, Dist- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Zainul Abedin, Advocate

For the Opposite Party/s : Mr.Narendra Kumar Singh, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

3 29-11-2022 Learned counsel for the petitioners is permitted to remove the defect (s), as pointed out by the office, if any, within a period of four weeks from today.

Learned counsel for the petitioners seeks permission to withdraw this application with respect to petitioner No.3.

Permission is accorded.

Accordingly, the bail petition with respect to petitioner No.3 is dismissed as withdrawn.

Heard learned counsel for petitioner Nos.1,2 and 4 and learned Additional Public Prosecutor for the State.

Petitioner Nos.1,2 and 4 are apprehending their arrest in a case registered for the offences punishable under Sections



341,323,307,379,354 and 504/34 of IPC.

Specific allegation is against co-accused Munna Mian and Babusaheb Mian is that they caught hold the informant. Munna Mian assaulted by iron rod over the head of the informant by which she sustained injury. Babusaheb Mian tore the Kurti of the informant and took out gold locket from her neck worth Rs.20000/-. While mother of the informant came to rescue her, Babusaheb Mian assaulted by Khanti by which she sustained injury over her head.

Learned counsel for the petitioners submits that petitioners have falsely been implicated in the present case. Further submits that it appears from the FIR that there is general and omnibus allegation against these petitioners. Further submits that the specific allegation of assault is against co-accused persons, namely, Munna Mian and Babusaheb Mian. Further submits that there is no specific allegation of assault or overt-act against these petitioners and there is case and counter case between the parties and there is admitted land dispute between the parties.

Learned A.P.P. for the State has vehemently opposed the prayer for bail of petitioner Nos.1,2 and 4 and submits that the petitioners carry one more case other than the present one.



Considering the fact and circumstances of the case, let petitioner Nos.1,2 and 4, above named, in the event of their arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, 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 court below where the case is pending in connection with Bagaha P.S. Case No. 383 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

(1) Petitioners 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 their absence on two consecutive dates without sufficient reason, their bail bonds shall be cancelled by the Court below.

(2) If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

And, further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedents, the court below shall take step for



cancellation of bail bond of the petitioners. 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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