

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56502 of 2021

Arising Out of PS. Case No.-346 Year-2020 Thana- JOGAPATTI District- West Champaran

SAFIK MIAN @ SAFIK ANSARI SON OF LATE NOOR ALI MIAN R/O
VILLAGE- SEMARI BHAWANIPUR, P.S.- JOGAPATTI (NAWALPUR),
DISTRICT- WEST CHAMPARAN

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Umesh Chandra Verma Mr. Abhishek Kumar Mr. Sharad Kumar Verma Mrs. Rashmi Jha
For the Opposite Party/s :		Mr.Akhileshwar Dayal

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 10-02-2022 Heard learned counsel for the parties through video conferencing.

Petitioner seeks regular bail in connection with Jogapatti P.S. Case No. 346 of 2020 registered for the offence punishable under Sections 147, 341, 323, 324, 447, 325, 307, 354(B) & 504 of the IPC.

Altogether 14 persons are named in the F.I.R. and they allegedly assaulted the informant, his relative and other persons from the side of the informant. It is further alleged that petitioner has allegedly ordered the co-accused / Aurangzeb Ansari, Mister Ansari and Yakoob Ansari who came with *lathi* and rod and Mister Ansari with *farsa* in his hand gave blow on



the head of Anwar Alam.

Learned counsel for the petitioner submits that both the parties are co-villagers and there is previous land dispute between them. He further submits that there is case and counter case inasmuch as Jogapatti P.S. Case No. 342 of 2020 has been lodged by the side of the petitioner against the informant and others. He further submits that no overt-act has been alleged against the petitioner and at best he is an order giver and no offence under Section 354(B) of the IPC has been attributed against the petitioner. Learned counsel next submits that the petitioner is in custody since 16.04.2021, petitioner has one criminal antecedent i.e. Jogapatti (Nawalpur) P.S. Case No. 262 / 2020 instituted under Sections 341, 323, 354-B, 379, 384, 427, 504, 506 /34 of the I.P.C. and charge-sheet has already been submitted. He further submits that similarly situated co-accused / Allauddin Mian and Aurangzeb Ansari have been granted bail by different Co-ordinate Benches of this court in Cr. Misc. No. 34253 / 2021 and Cr. Misc. No. 35314 of 2021.

Having regard to the submissions made by the parties and taking into consideration the materials on record , the fact that both the parties are co-villagers having previous enmity, there is case and counter case between them, petitioner is in



custody since 16/04/2021, charge-sheet has already been submitted, similarly situated co-accused persons have been enlarged on bail, I am inclined to grant regular bail to the petitioner.

Accordingly, let the petitioner, above named, be released on regular bail on furnishing bail bond of Rs. 20000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, West Champaran at Bettiah in connection with Jogapatti (Nawalpur) P.S. Case No. 346 of 2020.

(Anil Kumar Sinha, J)

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