

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58185 of 2021

Arising Out of PS. Case No.-836 Year-2020 Thana- MAJHAULIA District- West Champaran

Bhim Miyan Son of Late Ishu Mian Resident of Village - Dudhachaturi, P.S.-
Majhauriya, District - West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anant Kumar Mishra, Advocate.

For the Opposite Party/s : Mr.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 05-04-2022 Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor for the State.

The present application has been filed on behalf of the petitioner, above named, for grant of regular bail to the petitioner who has been made accused and put behind the bars in connection with Majhauriya P. S. Case No. 836 of 2020 registered for the offences punishable under Sections 147, 148, 149, 341, 323, 324, 307, 504 and 506 of the Indian Penal Code.

The prosecution case, as alleged in the F.I.R., is that the informant gave a *fardbayan* on 10.12.2020, but the substantive F.I.R. has been registered on 26.12.2020, alleging therein that the petitioner along with co-accused assaulted the father of the informant by means of *Lathi, Danda, Garasa* and Iron Rod because of which, he sustained grievous injuries.



It is submitted on behalf of the petitioner that there is specific allegation of *Garasa* blow against the co-accused Bhoj Miya, so far this petitioner is concerned, there is general and omnibus allegation against him. It is further submitted that there is land dispute resulting into lodging of case and counter case filed by the wife of the co-accused person. It is further submitted that the injury report also does not support the allegation of *Garasa* blow over the head of the father of the informant. It is next submitted that this petitioner is in custody since 10.06.2021 and the investigation has been concluded and the charge-sheet has already been submitted. It is further submitted that the petitioner is made accused in Majhauriya P.S. Case No. 99 of 2015 and except the said case, the petitioner has no other criminal antecedent.

On the other hand, learned APP for the State opposes the bail application of the petitioner.

Having heard the rival submissions and taking into consideration this fact that there is a land dispute resulting into lodging of case and counter case, further the allegation against the petitioner is general and omnibus and he is in custody since 10.06.2021, let this petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Rupees twenty



thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bettiah, West Champaran in connection with Majhauriya P. S. Case No. 836 of 2020, subject to the condition that one of the bailors will be the close relative of the petitioner with further conditions which are as follows:-

- (i) The petitioner will cooperate in conclusion of the trial.
- (ii) He will remain present on each and every date of trial till disposal of the case.
- (iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.
- (iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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