

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59310 of 2021

Arising Out of PS. Case No.-28 Year-2021 Thana- MATIYARIA District- West Champaran

1. ANWARUL MIAN Son of Akhtar Mian Resident of Village - D.K. Sherahwa, P.S. - Matiyaria, District - West Champaran.
2. Kalim Mian Son of Akhtar Mian Resident of Village - D.K. Sherahwa, P.S. - Matiyaria, District - West Champaran.
3. Anwar Mian @ Amwar Mian Son of Akhtar Mian Resident of Village - D.K. Sherahwa, P.S. - Matiyaria, District - West Champaran.
4. Hakim Mian Son of Akhtar Mian Resident of Village - D.K. Sherahwa, P.S. - Matiyaria, District - West Champaran.
5. Akhtar Mian Son of Rahman Mian Resident of Village - D.K. Sherahwa, P.S. - Matiyaria, District - West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Umesh Chandra Verma, Advocate
For the Opposite Party/s	:	Ms. Anita Kumar Singh, APP
For the informant	:	Mr. Sachida Nand Rai, Advocate

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 06-06-2022 Heard the learned counsel for the petitioners and
the learned A.P.P. for the State.

This is an application for grant of anticipatory bail in connection with Matiyaria PS case no. 28 of 2021 registered for the offences punishable under Section 379 and other allied sections of Indian Penal Code and 27 of Arms Act.

At the outset, the learned counsel for the petitioners seeks to withdraw the present petition *qua* the petitioners no. 2 and 3 in order to enable them to surrender



before the learned court below and seek regular bail.

Accordingly, the present petition stands disposed off as not pressed *qua* petitioners no. 2 and 3, however with liberty to them to surrender before the learned court below and seek regular bail.

The case of the prosecution in brief is that while the informant was sitting at the door of his house on the alleged date and time of occurrence, the accused persons including the petitioners herein, variously armed, had arrived there and then the petitioner no. 5 is stated to have ordered to kill the informant, resulting in one of the co-accused person namely Sakil Mian having fired from his countrymade pistol. It is also alleged that co-accused person namely Abbas Mian had given iron rod blow on the head of the informant causing head injuries to the informant. As far as the petitioners no. 2 and 3 are concerned, they are also alleged to have assaulted the informant by iron rod resulting in the informant being grievously injured. As far as petitioner no. 4 is concerned, a general and omnibus allegation of assaulting the informant by fists and legs has been levelled, however no allegation of assault has been levelled *qua* petitioners no. 1 and 5.

The learned counsel for the petitioners has



submitted that the petitioners no. 1, 4 and 5 are innocent and have been falsely implicated in the present case. It is further submitted that as far as petitioners no. 1 and 5 are concerned, there is no allegation of them having assaulted the informant, however as far as the petitioner no. 4 is concerned, a general and omnibus allegation of him having assaulted the informant by fists and legs has been levelled. It is also submitted that the main allegation of assault is against the co-accused person namely Sakil Mian and Abbas Mian, apart from serious allegation of assault by spear and iron rod having been levelled against the petitioners no. 2 and 3, thus it is submitted that as far as petitioners no. 1, 4 and 5 are concerned, they may be granted the privilege of anticipatory bail.

Per contra, the learned APP for the State and the learned counsel for the informant have vehemently opposed the prayer of bail but have not denied the fact that the petitioners no. 1, 4 and 5 are not the main culprits.

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 petitioners no. 1 and 5 are concerned, no allegation of assault



has been levelled and as far as petitioner no. 4 is concerned, a general and omnibus allegation has been levelled regarding him having assaulted the informant by fists and legs, I deem it fit and appropriate to admit the petitioners no. 1, 4 and 5 to the privilege of anticipatory bail.

Accordingly, the petitioners no. 1, 4 and 5, in the event of their arrest or surrender before the court below within a period of six weeks from the date of receipt/ production of a copy of this order, are directed to be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-IV, Bettiah, West Champaran in connection with Matiyaria PS case no. 28 of 2021, subject to the conditions as laid down under Section 438(2) of Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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