

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50192 of 2022

Arising Out of PS. Case No.-42 Year-2021 Thana- BALTHAR District- West Champaran

MOJAMMIL MIAN @ MOZAMMIL MIYAN S/o Amin Miyan Resient of
Village- Balthar, P.S.- Balthar, District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gauri Shankar Thakur, Advocate

For the Opposite Party/s : Mr. Umesh Lal Verma, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 09-12-2022 Heard learned counsel for the petitioner and the

learned APP for the State through virtual mode in view of

COVID-19.

Let the defect(s) be removed within four weeks of the
complete start of the physical Court in normal course.

The petitioner is in judicial custody in connection
with Balthar P.S. Case No.42 of 2022 instituted under Sections
147, 148, 149, 341, 323, 324, 326, 332, 333, 307, 337, 338, 379,
380, 427, 353, 557, 448, 452, 302, 395, 186, 188, 201, 436, 504,
506, 120B of the Indian Penal Code and Section 27 of the Arms
Act.

As per the prosecution story, thousands of people
attacked the police station after they were instigated that
Anirudh Yadav has been seriously injured by the police officials.

In the process, several vehicles, C.C.T.V., Computer



Set and other articles were police station were damaged as also vehicles and documents were put on fire. Accordingly, the FIR was lodged.

Learned counsel for the petitioner submits that altogether 357 persons including the petitioner herein have been implicated and named in the FIR , in fact everyone who was known to the police have been named in the case. In the process, the people from four villages are accuseds in this case.

It is his further submission that he has almost no role to play in the matter and only because his name was known to the police, he has come into the judicial net and is in custody since 22.03.2022 (as stated in para-10 of the bail application) and further he do not have any criminal antecedent.

Taking into account the aforesaid facts that he do not have criminal antecedent, charge-sheet stand submitted and he is one of the 357 persons who have been named in the FIR and is in custody since 22.03.2022, this Court is inclined to grant him privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each in connection with Balthar P.S. Case No.42 of 2022 to the satisfaction of learned CJM, Bettiah,



West Champaran, subject to following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his/her bail bond by the Trial court itself;

(iii) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(iv) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

Prakash Narayan/
Ajay

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