

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60863 of 2021

Arising Out of PS. Case No.-146 Year-2021 Thana- SUGAULI District- East Champaran

1. HAFIJ MIYA S/o LATE DOSHMOHMMAD MIYA R/o VILLAGE-TIKULIYA, P.S-SUGAULI, DISTRICT-EAST CHAMPARAN.
2. ANWAR MIYA @ SANJIV KUMAR PANDEY @ ANAR MIYA S/o LATE DOSHMOHMMAD MIYA R/o VILLAGE-TIKULIYA, P.S-SUGAULI, DISTRICT-EAST CHAMPARAN.
3. NIJAMUDDIN MIYA @ ARVIND KUMAR PANDEY S/o HAFIJ MIYA R/o VILLAGE-TIKULIYA, P.S-SUGAULI, DISTRICT-EAST CHAMPARAN.
4. AFJAL MIYA @ AFJAL ALAM S/o HAFIJ MIYA R/o VILLAGE-TIKULIYA, P.S-SUGAULI, DISTRICT-EAST CHAMPARAN.
5. AKHATAR MIYA S/o HAFIJ MIYA R/o VILLAGE-TIKULIYA, P.S-SUGAULI, DISTRICT-EAST CHAMPARAN.
6. ABDULLAH MIYA S/o LATE BHADAI MIYA R/o VILLAGE-TIKULIYA, P.S-SUGAULI, DISTRICT-EAST CHAMPARAN.
7. PARVEJ MIYA S/o ABDULLAH MIYA R/o VILLAGE-TIKULIYA, P.S-SUGAULI, DISTRICT-EAST CHAMPARAN.
8. SAFAYAT MIYA S/o MAHADAT MIYA R/o VILLAGE-TIKULIYA, P.S-SUGAULI, DISTRICT-EAST CHAMPARAN.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr.Prateek Tandon, Advocate
For the Opposite Party/s :	Mr.Rakesh Kumar No.1, APP
	Mr.Narendra Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 11-07-2022 Heard the parties.

Learned counsel for the petitioner undertakes to remove the defects within three weeks. In the eventuality of non-removal of defects within undertaken period, the office will place the matter before the Bench.



Learned counsel for the petitioners has filed two supplementary affidavits in this case.

By way of the first supplementary affidavit, learned counsel for the petitioners seeks permission to withdraw the prayer for anticipatory bail of the petitioner no.1, as he has already been arrested, during pendency of this application.

Permission is granted.

Accordingly, the prayer for anticipatory bail made through the instant application, on behalf of the petitioner no.1 namely Hafij Mian is dismissed as withdrawn.

By way of the second supplementary affidavit, it is submitted by learned counsel for the petitioners that the petitioner no.2 has four criminal antecedent, petitioner no.3 has three criminal antecedent, petitioner no.4 has six criminal antecedent, petitioner no.5 has two criminal antecedent, petitioner no.6 has two criminal antecedents.

After some arguments, learned counsel for the petitioners seeks permission to withdraw this application only with regard to the petitioner nos.2, 3, 4, 5 and 6 named above.

Permission is granted.

Accordingly, the instant application is dismissed as withdrawn as against the petitioner nos.2, 3, 4, 5 and 6.



However, petitioner nos.2, 3, 4, 5 and 6 named above are directed to surrender before the learned Court below within six weeks from today and seek regular bail and the learned Court below would pass the order, preferably, on the same day, in accordance with law.

Now, this application is being heard for consideration of anticipatory bail on behalf of the petitioner nos.7 and 8 only.

The petitioner nos.7 and 8 apprehend their arrest in a case registered for the offence punishable under Sections 147, 149, 341, 324, 325, 307, 379, 435, 354, 504, 506 of the IPC.

Allegedly, the F.I.R. named accused persons including the petitioners entered into the house of informant and indiscriminately assaulted the informant's side by means of various weapons.

It is submitted by learned counsel for the petitioners that petitioners are quite innocent and have committed no offence. They have been falsely implicated in this case due to land dispute. No such occurrence, in the manner as alleged, has ever taken place. The allegation leveled against the petitioner nos.7 and 8 is not specific rather general and omnibus in nature. It is submitted that for the alleged occurrence, there is a case and counter-case between the parties and petitioners' side have also



sustained injuries. Petitioner nos.7 and 8 have no criminal antecedent.

Learned APP for the State as well as learned counsel for the informant opposed the prayer for anticipatory bail.

Having regard to the facts and circumstances of the case, since there is no specific allegation against the petitioner nos.7 and 8, let them, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/Successor Court in connection with Sugauli P.S. Case No.146/2021, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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