

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60950 of 2021

Arising Out of PS. Case No.-143 Year-2021 Thana- TRIVENIGANJ District- Supaul

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Bechan Miyan, Son of Late Safid, Resident of Village- Maheshua, Ward No. 9
P.S. Triveniganj District- Supaul

... .. Petitioner/s

Versus

The State of Bihar

.. .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Paras Nath, Advocate

For the Opposite Party/s : Mr.Sanjay Kumar Tiwary, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 19-07-2022 Heard learned senior counsel for the petitioner and

learned APP for the State.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Tribeniganj P.S. Case No. 143 of 2021 registered for the alleged offences under Sections 144, 149, 341, 323, 302, 380, 436 and 427 of the Indian Penal Code and Section 25 of Cattle Trespass Act, 1871.

The prosecution case is that in the background of dispute over grazing of the crops of the informant by goats of the petitioners, an altercation took place and the petitioner and other co-accused persons assaulted the father-in-law of the



informant and her other family members and also set the house of the informant on fire. The father of the informant died due to this assault.

The learned counsel appearing on behalf of the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The allegations are general and omnibus against the petitioner and other co-accused persons. There is no specific allegation against this petitioner for any overt act. Though some altercation took place and persons from both sides suffered minor injuries, but the deceased was not assaulted and he died due to heart failure. This fact is supported by the post mortem report which shows no external or internal injury found on the body of the deceased Md. Sultan. The allegation of setting the house of the informant on fire and taking away household articles are merely additions to make the case serious. The petitioner is in custody since 11.08.2021 and the charge sheet has been submitted in this case.

Learned APP though opposes the prayer for bail submitting that the death ensued subsequent to the assault by the petitioner and other co-accused persons. The petitioner is also having criminal antecedent.

Perused the records.

Having regard to the submissions made hereinabove and considering the fact that no external or internal



injuries have been found on the body of the deceased and cause of death is stated to be C.R. failure and further considering the period of his custody, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-I, Supaul in connection with Tribeniganj P.S. Case No. 143 of 2021, subject to the following conditions :

(i) The bail bond of the petitioner will be accepted only after framing of charge, if not already framed.

(ii) One of the bailors will be a close relative of the petitioner.

(iii) The petitioner will remain present on each and every date fixed by the court below.

(iv) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

V.K.Pandey/-

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