

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64469 of 2021

Arising Out of PS. Case No.-377 Year-2020 Thana- MAJHAULIA District- West Champaran

1. FARIYAD DEWAN Son of Muslim Dewan R/O Village - Dewan Toli, Ward No.- 4, P.S.- Majhauriya, District - West Champaran.
2. Muslim Dewan Son of Late Khodrak Dewan R/O Village - Dewan Toli, Ward No.- 4, P.S.- Majhauriya, District - West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey, Advocate
For the Opposite Party/s : Mr. Nagendra Prasad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 30-03-2022 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

Let the defect(s), if any, be removed within a period
of four weeks after complete start of the physical Court.

The petitioners seek bail in a case registered for the
offences punishable under Sections 341, 323, 324, 379, 307 and
504/34 of the Indian Penal Code.

Learned counsel for the petitioners submits that the
petitioners are in custody since 12.03.2021, are persons with
clean antecedent and charge-sheet has been submitted in this
case.

Allegation against petitioner no. 1 is of assault to the
informant by farsa causing injury on his head. Thereafter, all the



FIR named accused persons assaulted the informant by lathi, danda and rod and co-accused Reyajul Dewan took out Rs.4,000/- from the cart of the informant. Further, the petitioners and co-accused assaulted the brother of the informant causing fracture on his right hand and the brother was treated at PMCH, Patna. It is further alleged that the cause of occurrence was refusal of the informant to give apple on credit to co-accused Awasar Dewan.

Learned counsel for the petitioners submits that from perusal of the allegation as alleged in the FIR, it would manifest that as far as petitioner no. 1 is concerned, it is alleged that he assaulted the informant by frasa causing injury on his head and as far as petitioner no. 2 is concerned, he is an old man, aged about 70 years, the allegation against him is general and omnibus in nature. Learned counsel further submits that from perusal of Annexure-2, which is the injury report of the informant, it would manifest that the informant received no injury on his head, rather there is incised wound over right hand, bleeding from nostril and the injuries are found to be simple in nature. Learned counsel further submits that the injury report completely falsifies the allegation regarding assault made by the petitioner no. 1. Learned counsel further submits that in the



impugned order, the injury report and C.T. Scan report show the grievous head injury and fracture of bone. Learned counsel also submits that the injury report annexed as Annexure-2 is the first injury report prepared by the PHC, Majhauria, West Champaran and it absolutely does not stand two reason that how a C.T. Scan report also come when the report prepared by the PHC, Majhauria, West Champaran does not even remotely suggest that there was any injury on the head. Learned counsel further relies on the order dated 17.09.2021 in Cr. Misc. No. 3363 of 2021 to submit that all the co-accused persons have been granted anticipatory bail.

Learned A.P.P. for the State vehemently opposes the prayer for regular bail of the petitioners.

Considering the fact that the petitioners are in custody since 12.03.2021, are persons with clean antecedent, charge-sheet has been submitted in this case and as far as petitioner no. 2 is concerned, the allegation against him is general and omnibus in nature and co-accused have been granted anticipatory bail, the petitioners, above named, are directed to be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Court below



where the case is pending in connection with Majhauriya P.S.
Case No. 377 of 2020.

(Satyavrat Verma, J)

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