

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67171 of 2021

Arising Out of PS. Case No.-343 Year-2021 Thana- MAJHAULIA District- West Champaran

MD. AFTAB ALAM @ MD. AFTAB Son of Late Abdul Ansari Resident of
Village - Jaukatiya, P.S.- Majhauria, District - West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 67214 of 2021

Arising Out of PS. Case No.-343 Year-2021 Thana- MAJHAULIA District- West Champaran

SOHAL @ SOHAIL @ SOHAIL AKHTAR @ SEHAL Son of Sheikh Jamal
Akhtar @ Jamal Akhtar Resident of Village - Jawkatia Sheikh Toli, Police
Station - Majhauria, District - West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 67171 of 2021)

For the Petitioner/s : Mr. Sanjeev Kumar, Advocate

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

(In CRIMINAL MISCELLANEOUS No. 67214 of 2021)

For the Petitioner/s : Mr. Bashishtha Narayan Mishra

Mr. Brij Kishore Mishra, Advocates

For the Opposite Party/s : Mr. Dashrath Mehta, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 09-05-2022 Let the defects, as pointed out by the office, be
removed within four weeks of starting of Court proceeding in
physical mode in normal course.

Heard learned counsel for the petitioners and learned
APP for the State.

Petitioners seek bail in a case registered for the



offences punishable under Sections 341, 323, 324, 307, 302/34 of the Indian Penal Code.

As per prosecution case, in brief, is that on 21.06.2021 at 5:45 P.M. the informant gave a written report to Chhatauni Police Station stating therein that there is prior land dispute between the parties. On 20.06.2021 at 5:00 P.M. while the informant's father had gone to back side of the house to urine, an alarm was raised. Upon hearing the alarm, the informant rushed there and saw that accused namely Md. Aftab Alam was assaulting the informant's father over his head by farsa. Accused Sohail was assaulting the deceased over his hear by rod. Accused Nehal Alam was assaulting by *lathi*. Accused Sabana Khaton was pressing the neck by *lathi*. When the informant tried to rescue the deceased, accused Sohail assaulted over his head by rod. Upon alarm raised by the informant, the villagers came there and took the informant and his father to PHC Majhaulia. Thereafter the injured was taken to Motihari Rahmania Medical Centre where the father of the informant died on 21.06.2021 during his treatment.

Learned counsel for the petitioners submit that the petitioners have clean antecedents and they have been falsely implicated in the present case. He further submits that the present case is counter blast of Majhaulia P.S. Case No. 345 of 2021 filed by the petitioner against the informant and other



family members of the informant. He further submits that it appears from the F.I.R. that there is general and omnibus allegation against all the accused persons and the postmortem report falsify the prosecution allegation of causing injury to the deceased by sharp cutting weapons. He further submits that the postmortem report shows that the deceased died due to injuries caused by hard and blunt substance and the police after investigation submitted chargesheet against the petitioners and the petitioner no. 1 is in custody since 25.06.2021 and the petitioner no. 2 is in custody since 26.08.2021.

Learned counsel for the informant as well as learned APP for the State has opposed the prayer for bail of the petitioners and submits that there is direct allegation against the petitioners.

Considering the facts and circumstances of the case, let the petitioners, above named, be released on bail **after framing of charge** on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Battiah Majhauria P.S. Case No. 343 of 2021, with the following conditions :-

(1) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and



on their absence on two consecutive dates without sufficient reason, their bail bonds shall be cancelled by the Court below.

(2) If the petitioners tamper with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) And, further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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