

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71701 of 2021

Arising Out of PS. Case No.-96 Year-2021 Thana- KOPA District- Saran

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MOGAL MIYA @ MOGALADIN MIYAN @ MOGALUDDIN MIYA Son
of Late Alias Miya @ Late Aliyaas Miya Resident of Village - Kumna, Ward
No. 5, Police Station - Kopa, District - Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Abhijeet Gautam, Advocate
		Mr. Anshuman Das Gupta, Advocate
For the Opposite Party/s	:	Mr. Narendra Kumar Singh, APP
For the Informant	:	Mr. Mukesh Kumar Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 23-05-2022 Heard learned counsel for the petitioner, learned
counsel for the informant and learned A.P.P. for the State.

The petitioner seeks bail in a case registered for the
offences punishable under Sections 147, 148, 149, 341, 323,
324, 307 and 302 of the Indian Penal Code.

Learned counsel for the petitioner submits that the
petitioner is in custody since 27.05.2021, charge-sheet has been
submitted in the case and has antecedent of one case as
mentioned in paragraph '3' of the bail application which was
instituted by the aunt of the present informant.

The informant alleges that his brother was assaulted
by petitioner, Soyabuddin, Arman Miya and Guddu Miya by



lathi and sharp edged weapon and the villagers who went to save his brother were also assaulted and were injured and the occurrence took place on 26.05.2021 in a marriage where the informant and his family members had gone to participate.

Learned counsel for the petitioner submits that though there is allegation against the accused persons of assaulting the deceased but from perusal of the postmortem report, it would manifest that there are only two injuries and a penetrating wound on the body of the deceased. It is further submitted that there is a case and counter case from the side of the petitioner and Kopa P.S. Case No. 97 of 2021 was instituted, further it is submitted that a Title Suit No. 238 of 2020 is pending adjudication between the parties with regard to a piece of land. It is next submitted that it has been specifically pleaded in paragraph '10' of the bail application that informant despite his best efforts could not get possession over the land which is in dispute in the aforesaid title suit. Learned counsel further submits that co-accused Arif Ali has been granted bail vide order dated 17.05.2022 passed in Cr. Misc. No. 56130 of 2021

Learned counsel for the informant and learned A.P.P. for the State vehemently oppose the prayer for bail of the petitioner and submit that no doubt there is a case and counter



case but from the side of the informant, six persons received injury and out of which one person died. It is further submitted that land dispute does not give a right to the petitioner and other accused persons to assault with such force that a life becomes lifeless but the learned counsel for the informant is not able to meet the submission of the learned counsel for the petitioner that co-accused Arif Ali has been granted bail.

Considering the fact that the petitioner is in custody since 27.05.2021, charge-sheet has been submitted in the case, co-accused has been granted bail, there is a case and counter case between the parties and there is no specific allegation of assault against any of the accused persons, let the petitioner above named be released on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) 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 Kopa P.S. Case No. 96 of 2021.

(Satyavrat Verma, J)

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