

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70440 of 2021**

Arising Out of PS. Case No.-193 Year-2019 Thana- ADAPUR District- East Champaran

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MUSTAFA HAWARI S/o Late Alamuddin Hawari R/o village- Jamunbhar,
P.S.- Adapur, District- East Champaran

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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with

CRIMINAL MISCELLANEOUS No. 190 of 2022

Arising Out of PS. Case No.-193 Year-2019 Thana- ADAPUR District- East Champaran

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KAUSHAR HAWARI @ ALIRAJ MIAN Son of Sarmullah Hawari Resident
of Village- Jamunbhar, P.S.- Adapur, District- East Champaran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 70440 of 2021)

For the Petitioner/s : Mr.Jitendra Kumar

For the Opposite Party/s : Mrs.Pushpa Sinha

(In CRIMINAL MISCELLANEOUS No. 190 of 2022)

For the Petitioner/s : Mr.Jitendra Kumar

For the Opposite Party/s : Mr.Pawan Kumar Chaurasia

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 24-08-2022 Heard learned counsel for the petitioners and learned
APP for the State.

The instant application for anticipatory bail has been
filed by the petitioners apprehending their arrest in connection
with Adapur P.S. Case no. 193 of 2019 instituted for the offence
punishable under Sections 341, 323, 324, 307 and 302/34 of the



Indian Penal Code.

It is a case of assaulting due to which father of the informant, namely, Taahir Miyan succumbed to the injuries. Petitioner Mustafa Hawari assaulted to the deceased by means of iron rod on his head and Petitioner Kaushar Hawari assaulted by means of Farsa to him and during treatment he died.

Learned counsel appearing on behalf of the petitioners has submitted that petitioners are innocent and have been falsely implicated in this case due to dirty village politics. There is case and counter case between the parties. In the alleged scuffle one person has died from the both side. Deceased and his family members had assaulted the petitioner and his father as a result of which, father of petitioners, namely, Almuddin Miya died during treatment. As per postmortem report cause of death is due to neurogenic shock as a result of fracture of skull bone by a hard and blunt object. Similarly situated several accused persons have already been granted anticipatory bail vide order dated 10.08.2021 passed in Cr. Misc. No. 4809 of 202, Vide order dated 23.08.2021 passed in Cr. Misc. No. 565 of 2021 by a different co-ordinate Bench.

Learned APP appearing for the State has opposed the prayer of Bail.



Having heard learned counsel for the parties and in the facts and circumstances of the case as stated above, this Court is inclined to enlarge the petitioners on bail. The petitioners are directed to surrender in the Court below within a period of four weeks from today and in the event of their arrest or surrender in connection with Adapur P.S. Case no. 193 of 2019, they will be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned SDJM, Raxaul, East Champaran, Motihari subject to the conditions as laid down under section 438(2) of the Cr.P.C.

(Sunil Kumar Panwar, J)

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