

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3965 of 2023

Arising Out of PS. Case No.-232 Year-2022 Thana- SUGAULI District- East Champaran

GAFOOR MIAN @ ABDUL GAFFAR SON OF LATE CHETHARU MIAN
R/O VILLAGE- BHARGAWA, P.S.- SUGAULI, DISTRICT- EAST
CHAMPARAN

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 5765 of 2023

Arising Out of PS. Case No.-232 Year-2022 Thana- SUGAULI District- East Champaran

MUKHTAR MIAN @ MUKHTAR AHMAD Son of Gafoor Miyan @ Gafoor
Mian @ Abdul Gaffar Resident of Village- Bhargawa, P.S.- Sugauli, District-
East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 3965 of 2023)

For the Petitioner/s : Mr.Patanjali Rishi, Adv.

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

(In CRIMINAL MISCELLANEOUS No. 5765 of 2023)

For the Petitioner/s : Mr.Patanjali Rishi, Adv./

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 12-05-2023 Heard learned counsel for the petitioners and

learned counsel for the informant as well as learned A.P.P. for

the State.

The petitioners seek bail in connection with

Sugauli P.S. Case No. 232 of 2022 dated 17.05.2022



registered for the offence under Sections 341, 323, 324, 307, 302 and 504/34 of the Indian Penal Code.

The petitioners along with others co-accused persons are alleged to have assaulted the informant and his family members by means of lathi and iron rod causing head injury.

Learned counsel appearing for the petitioner submits that the petitioner, who is of clean antecedent, is innocent and has falsely been implicated in this case. He further submits that it appears from the F.I.R. that the petitioner, Gafoor Mian @ Abdul Gaffar allegedly assaulted the informant and his father by means of lathi and the petitioner, Mukhtar Mian @ Mukhtar Ahmad allegedly assaulted the informant by iron rod and he also inflicted iron rod blow upon the head of father of the informant causing head injury and died. He further submits that the parties are agnates and there was no intention to kill the deceased and nor allegation with respect to repetition of iron rod blow is attributed to the petitioners. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioners. The petitioners are rotting in judicial custody since 17.05.2022.



Learned A.P.P. for the State as well as learned counsel for the informant, on the other hand, opposed the prayer for bail of the petitioners and submits that postmortem report of the deceased supported the allegation as alleged in the F.I.R. He further submits that it is the petitioner, Mukhtar Mian @ Mukhtar Ahmad who inflicted iron rod injury on the head of father of the informant as a result of which he died.

Considering the facts and circumstances of the case, let the, above named, petitioner be released on bail, **after framing of charge**, on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Sessions Judge, East Champaran in connection with Sugauli P.S. Case No. 232 of 2022 with the following conditions:-

(1) Petitioner 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 his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled by the Court below.

(2) If the petitioner tampers with the evidence or



the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. 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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