

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5672 of 2023

Arising Out of PS. Case No.-51 Year-2022 Thana- INARWA District- West Champaran

NAVIRASUL MIAN @ NABIRASUL MIAN @ NABI RASOOL MIYA S/O
LATE RAFIK @ RAFIQUE MIAN R/v- Ustab Bahuwarwa, P.S.- Inarwa,
District- West Champaran

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Asif Kalim

For the Opposite Party/s : Mr.Dashrath Mehta

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR

ORAL ORDER

2 10-04-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has prayed for regular bail in a case
instituted for the offence under Sections 341, 323, 307, 379,
302, 504 and 34 of the Indian Penal Code.

As per prosecution case, the petitioner along with
others said to have assaulted by means of lathi, stick and stone
to the informant's elder brother and his sister due to land
dispute. It is further alleged that the injured persons were taken
to the hospital for treatment, where his elder brother died.

It is submitted by learned counsel for the petitioner
that petitioner has been falsely implicated in this case due. He
has committed no offence. He submitted that there is general



and omnibus allegation against the petitioner. He also submitted that the enquiry police did not find anything against the other co-accused and they have already given clean chit. He submitted that the deceased was treated primarily in the P.H.C., from where he was referred to the G.M.C.H., Bettiah, where he was declared dead. From the injury report and Expert opinion of the P.H.C., it appears that all the injuries were simple in nature caused on non-vital part. He further submitted that during trial the informant examined as PW-3 Kalam Miya, in his cross-examination said that he did not identify the accused persons, who had committed this offence. Moreover, the petitioner has got no criminal antecedent as stated in para-3 of the bail petition. He is languishing in judicial custody since 10.06.2022.

The application for bail is opposed by learned APP for the State.

Having heard learned counsel for the parties and considering the facts and circumstances of the case, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Additional Session Judge-9th, Bettiah at West Champaran in



connection with Inarwa P.S. Case No. 51 of 2022.

(Sunil Kumar Panwar, J)

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