

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22230 of 2023

Arising Out of PS. Case No.-211 Year-2022 Thana- LAKHNAUR District- Madhubani

Jivachh Miyan @ Md. Jibrel Miyan @ Md.Jivrail @ Jivachh Miyan Son of
Late Jumrati @ Bhattu Miyan Resident of Village- Berma, P.S.- Lakhnour
(RSOP), District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Gagandeo Yadav, Advocate Mr. Ravi Prakash, Advocate Mr. Rajesh Kumar, Advocate
For the Opposite Party/s	:	Mr. Anil Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 19-05-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner seeks bail in connection with Lakhnour (RSOP) P.S. Case No. 211 of 2022 registered on 06.10.2022 for the alleged offences under Sections 147, 148, 149, 341, 323, 307, 504, 505, 506 of the Indian Penal Code.

3. As per prosecution case, a cultural programme was being organized in a temple complex when the petitioner and other co-accused persons, who were armed with lathi, danda and hockey stick, tried to obstruct the Jagran going on in the complex. When resisted by the members of the local Pooja Committee, they assaulted a number of persons causing various



injuries to them.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. No occurrence as alleged has ever place. The petitioner has been made accused along with 18 other co-accused persons and 10-15 unknown persons as well. There is no specific allegation against the petitioner for any overt act or causing injury to any of the victim. Learned counsel further submits that there is case and counter case and wife of co-accused Md. Ataul has filed a case against injured Saroj Yadav and others being Lakhnour (RSOP) P.S. Case No. 212 of 2022 under Section 307 and other allied sections of the IPC. The petitioner is in custody since 08.10.2022 and charge sheet has been submitted. The petitioner has got no criminal antecedent.

5. Learned APP opposes the prayer for bail submitting that the petitioner and other co-accused persons tried to disturb the Jagran programme and also assaulted a number of persons.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the non-specific nature of allegation against the petitioner without attributing any overt act against him and further considering the period of custody of the petitioner and submission of charge-sheet, the petitioner above named is directed to be released on bail on



furnishing bail bonds of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-Ist, Jhanjharpur, District - Madhubani/concerned court in connection with Lakhnour (RSOP) P.S. Case No. 211 of 2022, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions :

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bonds of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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