

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29146 of 2023

Arising Out of PS. Case No.-322 Year-2022 Thana- MAHESI District- East Champaran

Rauky Mian @ Rocky Mia @ Md. Jeesan Ali Son Of Sabir Mian @ Md. Sabir Resident Of Village- Ghariyari Chak, P.S.- Mehshi, Distt- East Champaran At Motihari

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vijay Kumar Singh, Advocate

For the Opposite Party/s : Mr.Ganesh Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 14-07-2023 Heard learned counsel for the petitioners and learned counsel for the State.

2. In the present case, the petitioner is apprehending his arrest in connection with Mehshi P.S. Case No. 322 of 2022, registered on 10.11.2022 for the offences under Sections 147, 148, 149, 341, 323, 324, 307, 387, 504 and 506/34 of the Indian Penal Code.

3. As per prosecution case, the petitioner and co-accused Munna Mian dashed their motorcycle in the legs of the informant who fell down. When the informant protested, the petitioner called out other co-accused persons, who came variously armed with iron rod, fighter punch and dagger and made murderous attack on the informant. When the co-villagers



of the informant tried to rescue him they were also assaulted. The informant and other injured were confined by the petitioner and co-accused persons and they demanded Rs.Five lakhs for releasing them. However, they were released after intervention of the people in market.

4. Learned counsel for the petitioners submits that the petitioner is innocent and has falsely been implicated in this case. The place of occurrence is quite near to the police station but after 18 hours of the occurrence, the FIR was lodged without any valid explanation for delay which creates doubt about the prosecution version. There is no specific allegation against the petitioner. Now, with the intervention of well wishers, both the parties have compromised the case and a compromise petition has been filed in the court of learned ACJM-VI, East Champaran at Motihari. Learned counsel further submits that the injury reports of the informant and his brother show simple injury caused by hard and blunt object. Learned counsel further submits that the reading of the allegation made in the FIR and the injury reports of the informant and his brother show no offence under Sections 307 and 387 of the IPC is made out against the petitioner. Other offences areailable in nature. Learned counsel further submits that co-accused Vicky Mian



and Babloo Mian have been granted anticipatory bail by a Co-ordinate Bench vide order dated 19.05.2023 passed in Cr. Misc. No. 16731 of 2023. Learned counsel further submits that the petitioner is accused in five other cases but he is on bail in all the cases.

5. Learned APP opposes the prayer for anticipatory bail submitting that the informant and his brother were brutally assaulted by the petitioner and other co-accused persons and petitioner is accused in five other cases of serious nature.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the lack of ingredients of offences under Section 307 as well as 387 IPC and also considering the fact that no specific allegation of assault has been made against the petitioner, let the petitioner above named in the event of his arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bonds of Rs.20,000/- (Rupees Twenty Thousand Only) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-VI, East Champaran at Motihari/concerned court in connection with Mehshi P.S. Case No. 322 of 2022, subject to the condition as laid down under Section 438(2) of



the Code of Criminal Procedure and other 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, if so required by the learned trial court.

(Arun Kumar Jha, J)

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