

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31334 of 2023

Arising Out of PS. Case No.-50 Year-2023 Thana- CHAKIA District- East Champaran

1. Jasim Alam S/O Md. Akhtar Alam @ Md. Akhtar Miya R/O Village- Bada Bajar Chakia, P.S- Chakia, Distt.- East Champaran.
2. Md. Alam S/O Md. Rauf @ Md. Rahuf Miya R/O Village- Kuava Road Near Durga Tent House, P.S- Chakia, Distt.- East Champaran.
3. Amzad Mansuri @ Ahmad Mansuri @ Afzal Mansuri S/O Md. Munna Mansuri R/O Village- Kuava Road Near Durga Tent House, P.S- Chakia, Distt.- East Champaran.
4. Md. Zisan S/O Ali Imam R/O Village- Kuava Road Near Durga Tent House, P.S- Chakia, Distt.- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 31902 of 2023

Arising Out of PS. Case No.-50 Year-2023 Thana- CHAKIA District- East Champaran

Wasid Ahmad @ Dablu Son Of Nasim Ahmad @ Nasim Akhtar R/O Village- Imadpatti, P.S.- Chakia, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 31334 of 2023)

For the Petitioner/s : Mr. Abhishek Kumar, Advocate.

For the Opposite Party/s : Mr. Akbar Ali, APP.

(In CRIMINAL MISCELLANEOUS No. 31902 of 2023)

For the Petitioner/s : Mr. Abhishek Kumar, Advocate.

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

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 24-06-2023 Since, both the applications arising out of similar P.S. Case, hence they are being heard together and disposed of by this common order with the consent of the parties.



Heard Mr. Abhishek Kumar, learned counsel for the petitioners and learned APPs for the State in both the matter.

The petitioners seek regular bail, who are in custody in connection with Chakia P.S. Case No. 50 of 2023, registered for the offences punishable under Sections 147, 148, 149, 323, 325, 337, 338, 327, 307, 504 of the Indian Penal Code.

The police on receipt of information with regard to the scuffle took place between two parties, rushed the place of occurrence and found that 14-15 persons were fighting with Lathi, Danda and Brick, due to which three persons have sustained injuries.

Learned counsel appearing on behalf of the petitioners submits that from the FIR, it is evident that no specific allegation of any overt act have been leveled against any of the petitioners rather on account of selling of meat, a free fight has taken place between the persons of both sides resulting in the injury to the persons of both sides, however, the injury report as contained in Annexure-2 series depict that all the injuries are found to be simple in nature. He further submits that the petitioners of Cr. Misc. No. 31334 of 2023 are the persons of fair antecedent, so far the petitioner of Cr. Misc. No. 31902 of 2023 is concerned, he is named in other two criminal cases,



however, both the cases arisen, due to land dispute. He next submits that now the investigation of the crime is already complete and the charge-sheet has been submitted and as such there is no chance of tempering of evidence or absconding of the petitioners.

On the other hand learned APP for the State vehemently opposes the bail application.

Regard being had to the submissions made on behalf of the parties and considering the omnibus nature of allegation coupled with the injuries which are simple in nature, let the petitioners, named above, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Motihari, East Champaran in connection with Chakia P.S. Case No. 50 of 2023,, subject to the condition that one of the bailors will be the close relatives of the petitioners with further conditions which are as follows:-

(i) The petitioners will cooperate in conclusion of the trial.

(ii) They will remain present on each and every date of trial till disposal of the case.

(iii) They will not try to tamper with the evidence or



intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, their bail bonds will liable to be cancelled.

(v) The court below shall verify the criminal antecedent of the petitioners and in case, at any stage, it is found that the petitioners have concealed their criminal antecedent, the court below shall take immediate step for cancelling the bail bonds of the petitioners. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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