

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60962 of 2023

Arising Out of PS. Case No.-22 Year-2023 Thana- CHOUTARWA District- West Champaran

1. FIROJ MIAN S/O SAHADAT MIAN R/O VILLAGE- CHAUTARWA, P.S- CHAUTARWA, DISTT.- WEST CHAMPARAN.
2. ISRAFIL MIAN @ TOLA MIAN S/O SAHADAT MIAN R/O VILLAGE- CHAUTARWA, P.S- CHAUTARWA, DISTT.- WEST CHAMPARAN.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Kr Singh No. 1, Adv.

For the Opposite Party/s : Mr. Madhura Nand Jha, A.P.P.

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 11-10-2023 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners apprehend their arrest in connection with Chautarwa P.S. Case No. 22 of 2023, dated 25.01.2023, registered for the offence punishable under Sections 341, 323, 325, 354, 504, 379, 307, 34 of the Indian Penal Code.

3. The case of prosecution, in short, is that on 25.01.2023 at about 09:00 A.M., when the Informant was at his shop, in the meantime all the accused petitioners armed with Lathi and iron rod came there and due to land dispute started abusing and assaulting the informant. It has been alleged that during the course of assault the petitioner Firoj Mian inflicted



iron rod blow over the head of the informant, due to which he sustained head injury. The petitioner Isarfil Miya assaulted by Lathi on the right leg of the informant, due to which his leg was fractured. The co-accused Parvej Mian and Sahadat Mian took out Rs. 5000/- from the shop of the informant. When Jamila Khatoon came to rescue the informant then all the accused petitioners assaulted her with fist and legs.

4. Learned counsel for the petitioners submits that petitioners are innocent and have been falsely implicated in this case. The petitioners and informant are next door neighbour and a civil dispute is pending between them bearing Title Suit No. 74 of 2009, in which the father and mother of the petitioners are plaintiffs and informant and his son are defendants. It appears from the injury report that informant received two injuries, in which injury no. 1 is simple in nature and so far as injury no.2 is concerned, which has been found fracture on right leg, shows grievous in nature. The petitioners have been made accused in one more case filed by the brother of the informant.

5. Learned A.P.P. for the State has vehemently opposed the prayer for bail to the petitioners.

6. Having considered the facts and circumstances of the case and the submissions of learned counsel for the parties,



let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M., Ist, Bagaha, West Champaran in connection with Chautarwa P.S. Case No. 22 of 2023, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(Khatim Reza, J)

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