

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56762 of 2023

Arising Out of PS. Case No.-61 Year-2023 Thana- INARWA District- West Champaran

Santhu Mian @ Ali Ahmad Mian S/O Kari Mian R/O Village- Khamhiya, P.S-
Inarwa, Distt.- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey, Adv.

For the Opposite Party/s : Mr. Md. Mushtaque Alam, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

2 30-08-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Inarwa P.S. Case No.61 of 2023 registered on 21.06.2023
lodged under Sections 147, 148, 149, 341, 323, 324, 307, 427,
448, 380 of the Indian Penal Code.

3. As per the prosecution case, F.I.R. has been lodged
against 8 named accused persons including the petitioner. The
allegation is that all the said accused persons attacked on the
informant, which led to an injury on the head of the informant's
father when he came to rescue him.

4. Counsel further submits that petitioner is innocent
and has committed no offence. He submits that both the
petitioner's side and the informant's side are residents of same

village and the dispute took place among them over a petty issue. He also submits that for the same date and from the same place of occurrence, case and counter case has been lodged. From the petitioner's side FIR bearing Inarwa P.S. Case No.62 of 2023 was lodged and from the informant's side FIR bearing Inarwa P.S. Case No.61 of 2023 was lodged.

5. Counsel for the petitioner submits that injury report has been annexed as Annexure-3, from which it transpires that there is one injury has taken place, which was caused by hard and blunt substance. He submits that both the parties are well known to each other and under anger over a petty issue the scuffling took place. He further submits that petitioner is in custody since 22.06.2023 having clean antecedent.

6. Learned counsel for the State opposes the prayer for bail.

7. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned J.M.-Ist Class, Bettiah, West Champaran in connection with Inarwa P.S. Case No.61 of 2023, subject to the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bonds by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month for one year to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of the bail bonds; and

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

8. With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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