

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59885 of 2022

Arising Out of PS. Case No.-209 Year-2020 Thana- CHANPATIA District- West Champaran

SHEIKH BABUJAN @ MD AHSAN, aged about 25 years, male, Son of Sheikh Hasmuddin Resident of Village- Senwariya, Tola- Bhatahan, P.S.- Chanpatia (Sirisiya), District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma, Adv.

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

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 18-01-2023 Heard learned counsel for the petitioner and learned Additional Public Prosecutor appearing for the State of Bihar.

The petitioner seeks bail in connection with Chanpatia (Sirisiya) PS Case No. 209 of 2020, registered for the offence punishable under Sections 147, 148, 149, 341, 323, 324, 307 and 302 of the Indian Penal Code.

The prosecution case alleges that when earth filling work was being undertaken the informant's nephew was forbade by co-accused, namely, Nasim Sheikh, whereafter, it is alleged that the named accused persons in the First Information Report (*for brevity FIR*), including the petitioner, has indiscriminately assaulted the prosecution parties.

Learned counsel for the petitioner submits that the deceased's nephew, namely, Sheikh Attiullah has died, as per the FIR on account of a '*Barchhi*' blow given by co-accused, namely Khairul Basar. Against the petitioner, there is no allegation of assault by any vital weapon on any vital part. A general and omnibus allegation has been levelled that he had assaulted with '*Lathi*'. The motive, admittedly, is land dispute between the parties. The petitioner is in



custody since 20-07-2022, though he has no antecedents.

Learned APP for the State has opposed the prayer for bail.

Considering the rival submissions, nature of accusation and petitioner's period of custody as also the clean antecedents, this Court, for the purposes of grant of bail, is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail of the petitioner is allowed.

Let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned SDJM, Bettiah, West Champaran, in connection with Chanpatia (Sirisiya) PS Case No. 209 of 2020, subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.
(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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