

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57207 of 2022

Arising Out of PS. Case No.-144 Year-2022 Thana- PAKRIDAYAL District- East Champaran

Timan Miya @ Israfil Son of Aneullah @ Bhola Miya R/V- Chorma, Bangala
Tola, P.S- Pakaridayal, Dist- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Karandeep Kumar, Adv.

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

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 15-02-2023 Let the defect(s), if any, be removed within two weeks
from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with
Pakaridayal P.S. Case No. 144 of 2022, lodged under Sections
147, 148, 149, 342, 302, 323 & 504 of the Indian Penal Code.

As per prosecution case, the allegation against the
present petitioner alongwith 6 other persons that they have
forced the deceased to brought him in orchard and allegation of
brutal assault is there on the body of the deceased. In the F.I.R.
it has been alleged that the accused persons have assaulted the
father of informant by *lathi*, *danda*, iron rod and brick on the
head and back side due to which, the informant's father died.

Learned counsel for the petitioner submits that case diary has been called for in this case and the detail of post-mortem report has present in Section 55 of the case diary. Upon perusal of the case diary, it transpires that there is no external injury found on the body and, therefore, no clear cause of death has been assigned by the Doctor instead thereof the viscera of 8 places has been sent to Forensic Laboratory Examination. He further submits that petitioner is in custody since 06.06.2022 and there is one criminal case pending against the petitioner, in which, he is on bail.

Learned counsel for the State opposes the prayer for bail.

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 Chief Judicial Magistrate, Motihari in connection with Pakaridayal P.S. Case No. 144 of 2022, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioner shall support in trial and shall appear physically before the lower court on each and every date

fixed, in case of non-appearance for two consecutive dates without sufficient cause, shall be resulted into cancellation of his bail bond.

B. One of the bailors shall be close relative who shall file affidavit before the court about his relationship with the petitioner.

C. The petitioner shall file an affidavit at the time of furnishing of bail bond that he shall not involve in such criminal activity during the continuance of present bail bond, violation of this condition shall be resulted into cancellation of his present bail bond.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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