

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65494 of 2022

Arising Out of PS. Case No.-228 Year-2021 Thana- MAJHAULIA District- West Champaran

MAKBUL MIAN @ MAKBUL MIYA Son of Late Dost Mohammad Mian
R/v- Tikulia Bhataha, P.S.- Sugauli, District- East Champaran

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar Shrivastava, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 05-04-2023 Heard learned counsel appearing for the petitioner
and the learned A.P.P. for the State.

The petitioner seeks bail in connection with
Majhauria P.S. Case No. 228 of 2021, registered for the offence
under Sections 302, 120(B)/34 of the Indian Penal Code.

As per the prosecution case, it is alleged that while the
informant was repairing his thatched house, in the meantime, all
the accused persons variously armed obstructed to do the
repairing work and when it was protested by the uncle of the
informant, co-accused Raja Hussain and Ashraf Mian assaulted
him by means of Lathi and Iron rod.

Learned counsel appearing for the petitioner submits
that the petitioner has clean antecedent. He has falsely been
implicated in the present case. Further submits that there is no



any specific allegation of assault or overt-act against the petitioner. There is general and omnibus allegation against the petitioner. Further submits that the co-accused, namely, Ali Hussain Mian @ Ali Husen Mian and others have been granted bail vide order dated 03.08.2022 passed in Cr. Misc. No.23911 of 2022 and co-accused, namely, Kadam Rasul Mian has also been granted bail vide order dated 15.02.2022 passed in Cr. Misc. No.51105 of 2021 by different Coordinate Benches of this Hon'ble Court and the police, after investigation, submitted final form in favour of the petitioner and the petitioner is in custody since 01.08.2022.

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

Considering the aforesaid fact, 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 learned Chief Judicial Magistrate, West Champaran, Bettiah in connection with Majhaulia P.S. Case No. 228 of 2021, with the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and



on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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