

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66189 of 2022

Arising Out of PS. Case No.-501 Year-2021 Thana- TURKAULIYA District- East
Champaran

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AFAJAL MIYAN @ AFAJAL Son of Late Sahid Mian Resident of Village-
Janerewa, P.S.- Banjariya, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Binay Kumar, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 03-02-2023 Heard learned counsel for the petitioner and learned

APP for the State through video conferencing in view of the

COVID 19.

The petitioner apprehends his arrest in connection
with Turkauliya (Banjariya) P.S. Case 501 of 2021 for the
offence registered under Sections 341, 324, 323, 307, 354(B),
379, 504 and 506/34 of the Indian Penal Code and Section 27 of
the Arms Act.

As per the prosecution story, the informant alleged
that when he was sitting at his Grocery Shop, the accused
persons came and on the order of the present petitioner,
allegation is that Manjar Mian gave 'farsa' blow on the head of
the informant as also Raiyan Mian gave 'garasa' blow on the



head of Sahanwaj Hussian while co-accused Parvej Mian fired with his country made revolver in the air. Further allegation against other accused persons is/are of taking away amount as also outraged the modesty of the female agnates.

The defence is that no allegation of assault has been made against the petitioner herein but only to implicate him, he has been assigned the role of order giver. The further submission is that earlier a case was lodged against the informant's side in which Afraj Alam sustained head injury.

Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail.

Considering the fact that allegation of assault is not against the petitioner herein, is aged about 65 years and ultimately will have to face the trial, this Court is inclined to extend him privilege of anticipatory bail with conditions.

Let the petitioner in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Court of Chief Judicial Magistrate, Motihari in connection with Turkuliya (Banjariya) P.S. Case No. 501 of 2021, subject to condition as



laid down under Section 438(2) of the Cr.P.C with further 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 bond by the Trial court itself;

(iii) the petitioner shall leave his/her district (Patna) for a period of three month(s) after providing name and address and police station of his place of stay during the said period and he shall be duty bound to visit the police station concerned (where he will stay) every week to mark his attendance;

(iv) upon return to his district, he shall visit the concerned police station every fortnight for the next six months to mark attendance;

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

(vi) 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.

(Rajiv Roy, J)

Jagdish/Neha/-

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