

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67485 of 2022

Arising Out of PS. Case No.-133 Year-2022 Thana- CHAKAI District- Jamui

MADAN MIYA Son of Late Bholi Miya Resident of village - Gouripur, P.S.-
Chakai, District - Jamui.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 67863 of 2022

Arising Out of PS. Case No.-133 Year-2022 Thana- CHAKAI District- Jamui

1. BHUTKA @ SALIM @ SALIL SON OF GOHI MIYA @ LATE RASUL MIYA R/O VILL.- DUBA (PURNILUPPI), P.S.- BENGABAD, DISTT.- GIRIDIH, JHARKHAND
2. SAMSUL MIYA @ SAMSUL ANSARI SON OF KHALIL MIYA R/O VILL.- GOURIPUR, P.S.- CHAKAI, DISTT.- JAMUI
3. BARIK ANSARI SON OF KHALIL MIYA R/O VILL.- GOURIPUR, P.S.- CHAKAI, DISTT.- JAMUI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 67485 of 2022)

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

For the Opposite Party/s : Mr. Uday Chand Prasad, APP

(In CRIMINAL MISCELLANEOUS No. 67863 of 2022)

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

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

For the Informant : Mr. Raj Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 24-04-2023 Heard learned counsel for the petitioners and

learned A.P.Ps. for the State.

Both the cases are being heard and disposed of



together as they are arising out of same police station case being Chakai P.S. Case No. 133 of 2022.

The petitioners seek bail in connection with Chakai P.S. Case No. 133 of 2022 dated 13.06.2022 registered for the offence under Sections 147, 148, 149, 321, 323, 324, 307, 504 and 506 of the Indian Penal Code.

The petitioners along with other companions are alleged to have assaulted the informant and his family members by means of farsa as a result of which informant and his wife along with their son sustained injuries.

Learned counsel appearing for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. He further submits that the present case is a counter version of Chakai P.S. Case No. 132 of 2022 filed by the petitioners side for the alleged killing of one of the family member of the petitioners by the informant's side. He further submits that altogether five persons have been got injured in the present case from the informant's side and out of five, the injury sustained by the Jaslim Ansri is opined to be simple in nature and insofar as others are concerned, their nature of injuries were kept reserved by the doctor while the injuries for which opinion



is kept reserved are described as lacerated wounds and swelling which does not corroborate the allegation of assault by means of farsa. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioners. The petitioners are rotting in judicial custody since 15.06.2022.

Learned A.P.P. for the State as well as learned counsel for the informant vehemently opposed the prayer for bail of the petitioners and submits that petitioner, namely, Madan Miya carries two more cases other than the present one whereas petitioners of Cr. Misc. No.67863 of 2022 have clean antecedents.

Considering the facts and circumstances of the case, let the, above named, petitioners be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate- 1st Class, Jamui in connection with Chakai P.S. Case No. 133 of 2022 with the following conditions:-

(1) Petitioners 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 their absence on two consecutive dates without sufficient reason, their bail bond shall be canceled by the Court below.

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

And, further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. 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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