

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75483 of 2023

Arising Out of PS. Case No.-259 Year-2023 Thana- RAXAUL District- East Champaran

1. Md. Kaish, son of Maqbool Ahmad @ Maqbool Miyan, R/o- Bada Pareuwa W. No-16, P.S.- Raxaul, Dist- East Champaran at Motihari.
2. Abulaish Miyan, son of Late Alam Miyan, R/o- Bada Pareuwa, W. No-16, P.S.- Raxaul, Dist- East Champaran at Motihari.
3. Sukhari Miyan @ Mohamad Sukhadi @ Md. Sukhari, son of Late Idris Miyan, R/o- Bada Pareuwa, W. No-16, P.S.- Raxaul, Dist- East Champaran at Motihari.
4. Makbul Miyan @ Makbul Ahmad, son of Late Mohmmad Alam @ Late Alam Miyan, R/o- Bada Pareuwa, W. No-16, P.S.- Raxaul, Dist- East Champaran at Motihari.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr. Manish Kumar Singh, Advocate
For the Opposite Party : Mr. Abhay Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 11-12-2023 Learned counsel for the petitioners is permitted to remove the defect(s), as pointed out by the office, if any, within a period of three weeks from today.

2. Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

3. The petitioners are apprehending their arrest in connection with Raxaul P.S. Case No. 259 of 2023 dated 31.05.2023 registered for the offences punishable under Sections 341, 323, 324, 325, 307, 384, 379, 504 and 506 of



the I.P.C.

4. As per the prosecution case, the petitioners and the accused persons are alleged to have assaulted the informant and his uncle with an iron rod, knife, lathi and danda.

5. Learned counsel for the petitioners has submitted that the petitioners are innocent and have been falsely implicated in this case. The petitioners and the informant are the agnates and there is land dispute between the parties for which a Title Suit No. 226 of 2020 is pending before the learned court below itself. It is submitted that the occurrence took place on 27.05.2023 and the F.I.R. has been registered on 31.05.2023 after laps of four days of the occurrence for which no explanation has been given by the prosecution. It is further submitted that from perusal of the F.I.R., it appears that the alleged occurrence took place on three places and the allegations levelled against the petitioners are different on three places. The doctor examined the injured and found the injury simple in nature. The petitioners have two criminal antecedents as stated in paragraph no. 3 of the bail application.



6. Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioners.

7. Considering the aforesaid facts and circumstances of the case as well as the injury being simple in nature, let the above named petitioners, in the event of their arrest/surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail bond of Rs. 20,000/- (Twenty Thousand) each with two sureties of the like amount each to the satisfaction of learned court concerned, Raxaul, East Champaran, Motihari, in connection with Raxaul P.S. Case No. 259 of 2023, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure.

8. The application stands allowed.

(Chandra Prakash Singh, J)

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