

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75273 of 2022

Arising Out of PS. Case No.-257 Year-2022 Thana- PAHARPUR District- East Champaran

BHIKHARI MIYA SON OF LATE KARIM MIYA @ RAHIM MIYA R/O
VILLAGE- BAWARIA, P.S.- PAHARPUR, DISTRICT- EAST
CHAMPARAN

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 597 of 2023

Arising Out of PS. Case No.-257 Year-2022 Thana- PAHARPUR District- East Champaran

1. SALIM MIAN @ MUSLIM ALAM @ SAHIM MIYA SON OF TABARAK MIYAN R/O VILLAGE- BAWARIA, P.S.- PAHARPUR, PRESENT R/O VILLAGE- KRITPURSAH NAGAR (KIRITPUR), P.S.- HARSIDHI, DISTRICT- EAST CHAMPARAN
2. TAJ MIYAN @ MD. TAJ ALAM SON OF TABARAK MIYAN R/O VILLAGE- BAWARIA, P.S.- PAHARPUR, PRESENT R/O VILLAGE- KRITPURSAH NAGAR (KIRITPUR), P.S.- HARSIDHI, DISTRICT- EAST CHAMPARAN
3. MUMTAJ ALAM SON OF TABARAK MIYAN R/O VILLAGE- BAWARIA, P.S.- PAHARPUR, PRESENT R/O VILLAGE- KRITPURSAH NAGAR (KIRITPUR), P.S.- HARSIDHI, DISTRICT- EAST CHAMPARAN

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 75273 of 2022)

For the Petitioner/s : Mr.Ajay Kumar Singh

For the Opposite Party/s : Mr.Dilip Kumar No.1, APP

(In CRIMINAL MISCELLANEOUS No. 597 of 2023)

For the Petitioner/s : Mr.Rakesh Kumar No.1

For the Opposite Party/s : Mr.Manoj Kumar

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 04-02-2023 As both these bail applications have cropped up from the



same police station case number, hence, with consent of parties, they are being heard together and disposed of by this common order.

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

The petitioners apprehend their arrest in connection with Paharpur P.S. Case No.257 of 2022, registered for the offences punishable under Sections 147, 148, 149, 295, 323, 324, 325, 307, 153, 427, 504, 506 of the Indian Penal Code.

Allegedly, petitioners along with other co-accused persons came to the informant and started raising religious slogans and attacked on her. They assaulted mother in law of the informant with iron rod due to which her waist was fractured. They also destroyed the household articles in 15 houses and took away ornaments worth Rs. 50,000/-.

It is submitted by learned counsel for the petitioners that the petitioners are quite innocent and have committed no offence. They have been falsely implicated in this case. The prosecution case as alleged in the FIR is totally false, fabricated and concocted. The allegations levelled against the petitioners is general and omnibus in nature. Neither the petitioners were present at the alleged place of occurrence nor he participated in



the alleged occurrence. It is further submitted that the prayer for anticipatory bail of petitioner Nabi Ansari has been rejected with a condition that if the petitioners surrender before the learned Court below and pray for regular bail liberty, the learned Court below will pass an appropriate order in accordance with law without being prejudiced by the order of this Court. Petitioners have one criminal antecedent.

Per contra, learned APP for the State vehemently opposed the prayer for bail.

Considering the facts and circumstances of case, I am not inclined to enlarge the petitioners on bail. The prayer for bail of the petitioners is hereby rejected.

However, if the petitioners surrender before the learned Court below within six weeks from today and seek regular bail, the learned Court below shall pass order in accordance with law without being prejudiced by this order on the very date of surrender.

(Anjani Kumar Sharan, J)

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