

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 6918 of 2024

Arising Out of PS. Case No.-211 Year-2023 Thana- JOGAPATTI District- West Champaran

1. Khushmohammad Miyan @ Khusmahammad Miyan S/O Saril Miyan R/O Village-Donwar Briti, P.S.-Yogapatti (Sanichari), District-West Champaran.
2. Noor Jahan Khatoon W/O Khushmohammad Miyan @ Khusmahammad Miyan R/O Village-Donwar Briti, P.S.-Yogapatti (Sanichari), District-West Champaran.

... Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 12260 of 2024

Arising Out of PS. Case No.-211 Year-2023 Thana- JOGAPATTI District- West Champaran

1. Aslam Miyan Son of Khushmohammad Miyan @ Khusmahammad Miyan Resident of Vill.-Donwar Briti, PS- Yogapatti (Sanichari) District- West Champaran
2. Jhunna Miyan Son of Jan Mohammad Miyan Resident of Vill.-Donwar Briti, PS- Yogapatti (Sanichari) District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 6918 of 2024)

For the Petitioner/s : Mr. Bimlesh Kumar Pandey, Adv.

For the Opposite Party/s : Mr. Suman Kumari Singh, APP

(In CRIMINAL MISCELLANEOUS No. 12260 of 2024)

For the Petitioner/s : Mr. Bimlesh Kumar Pandey, Adv.

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

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

3 09-04-2024 Heard learned counsel for the petitioners and learned

A.P.P. for the State.

2. The petitioners seek regular bail in connection with

Yogapatti (Sanichari) P.S. Case No. 211 of 2023 dated 26.05.2023, lodged under Sections 341, 323, 307, 379, 302, 504 and 34 of the I.P.C.

3. As per the prosecution case, the F.I.R. has been lodged against 8 named accused persons including the present petitioners.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have committed no offence. He submits that the antecedent of the petitioners are clean in both the cases and petitioners of Cr. Misc. No. 6918 of 2024 are in custody since 16.10.2023 and petitioner nos. 1 and 2 of Cr. Misc. No. 12260 of 2024 are in custody since 03.07.2023 and 09.06.2023 respectively. He further submits that from the contents of the F.I.R., the extreme allegation comes against petitioner no. 1 of Cr. Misc. No. 6918 of 2024 that he is the order giver and on whose instance, the assault has been made, whereas against petitioner no. 2 of Cr. Misc. No. 6918 of 2024, there is absolutely no allegation, save and except that he was present at the place of occurrence. He further submits that allegation against petitioner no. 1 of Cr. Misc. No. 12260 of 2024 is only to snatch the mobile, whereas against petitioner no. 2 of Cr. Misc. No. 12260 of 2024, there is no allegation at all, save and except he was also present at the place of occurrence.

He further submits that this case has been implanted intentionally. Both petitioners and informant are well known to each other and as per the dispute, it is on the marriage day, where this occurrence took place.

5. Learned A.P.P. for the State opposes the prayer for bail.

6. Learned counsel for the informant vehemently opposes the prayer for bail and submits that injury is their in the post-mortem report and petitioner no. 1 of Cr. Misc. No. 6918 of 2024 is the order giver and petitioner no. 2 of Cr. 6918 of 2024 was present at the place of occurrence. He further submits that the death took place and allegation of snatching mobile and gold chain is also their.

7. In the present facts and circumstances of this case and the submissions made above, let the petitioners above named in both the cases be granted bail (**only after framing of charge, if not framed**) on furnishing bail bonds of Rs. 30,000/- (Rupees Thirty Thousand Only) each with two sureties of the like amount each to the satisfaction of learned C.J.M., Bettiah, West Champaran in connection with Yogapatti (Sanichari) P.S. Case No. 211 of 2023, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

(i) one of the bailors should be the family member of the petitioners, who shall provide official document to show their *bona fide*;

(ii) the petitioners 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 their bail bonds by the Trial Court itself;

(iii) the petitioners shall appear before the concerned police station every month for one year to mark attendance;

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

(v) the petitioners 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.

8. With this observation, the bail application stands allowed.

(Dr. Anshuman, J)

sadique/-

U		T	
---	--	---	--