

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14330 of 2024

Arising Out of PS. Case No.-482 Year-2023 Thana- HARSIDHI District- East Champaran

Md Arshad @ Md Arshad Alam, aged about 28 years, Son of Amrullah Miya,
Resident of village - Chadahiya, P.S. - Harsithi, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Mohammad Sufyan, APP

**CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA**

ORAL ORDER

3 17-05-2024 Heard learned counsel for the petitioner, learned APP
for the State and learned counsel for the informant.

2. The petitioner seeks bail in connection with
Harsidhi P.S. Case No. 482 of 2023 instituted for the offences
punishable under Sections 341, 323, 302 and 504/34 of the
Indian Penal Code.

3. As per the prosecution case, all the FIR named
accused persons and 15-20 unknown persons including the
petitioner holding weapon in their hands came to the door of the
informant and started abusing. When the informant raised
objection, all the accused persons assaulted the grandson of the
informant with *lathi*, *iron-rod*, *fatta* due to which he sustained



serious injuries.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence and has falsely been implicated in this case only on the basis of previous enmity. He further submits that the petitioner is not involved in the alleged crime and he has been implicated in this case at the instance of his enemies. It is further submitted that the petitioner has no role in the alleged occurrence and there is no any overt act attributed against him. Petitioner is in custody since 16.01.2024.

5. Learned APP for the State and learned counsel for the informant vehemently opposed the prayer for bail and submit that petitioner was also an accused in the murder case of the son of the informant, so he does not deserve for bail.

6. From perusal of the FIR, case diary, postmortem report and the impugned order of the learned Sessions Judge, East Champaran, Motihari dated 31.01.2024, it appears that on the basis of written report of the informant Md. Islam Mian, the FIR has been registered against 13 accused persons including the petitioner. From perusal of the records, it also appears that all the FIR named accused persons and 15-20 unknown persons including the petitioner holding weapon in their hands came to



the door of the informant and started abusing. When the informant raised objection, all the accused persons assaulted the grandson of the informant with *lathi*, *iron-rod*, *fatta* due to which he sustained serious injuries. From the postmortem report, it also appears that there are total three injuries found on the person and all the injuries are antemortem in nature caused by hard and blunt substance, Similarly situated co-accused persons namely Md. Zikrullah, Munni Khatoon, Jarina Khatoon @ Jehrina Khatoon have been granted bail by a co-ordinate Benches of this Court in Cr. Misc. Nos.76758 of 2023 and 76526 of 2023 vide orders dated 21.12.2023 and 18.12.2023, respectively, accordingly the prayer for bail of the petitioner is allowed. Let the petitioner above named be released on bail ***after framing of charge*** on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, East Champaran, Motihari in connection with Harsidhi P.S. Case No. 482 of 2023.

7. The trial Court is directed to conclude the proceeding of framing of charge according to law within a period of 20 (twenty days) from the date of receipt of a copy of this order. However, it is made clear that ***if the charge-sheet***



has not been submitted then the petitioner shall be released on bail on above conditions and he shall be present physically on each and every date before the Trial Court till conclusion of the proceeding of framing of charge.

(Ramesh Chand Malviya, J)

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