

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56388 of 2024

Arising Out of PS. Case No.-182 Year-2024 Thana- SUGAULI District- East Champaran

1. Jaheer Miyan S/O Late Khalil Miyan R/O Village- Amir Khan Tola, P.S- Sugauli, Distt.- East Champaran, Motihari.
2. Mohmad Raushan S/O Jaheer Miyan R/O Village- Amir Khan Tola, P.S- Sugauli, Distt.- East Champaran, Motihari.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Surendra Prasad Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 04-09-2024 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

02. In the present case, the petitioners are apprehending their arrest in connection with Sugauli P.S. Case No. 182 of 2024 registered on 21.04.2024 for the alleged offences under Section 341, 323, 354(B), 324, 307, 504, 506, 447 and 34 of the Indian Penal Code.

03. As per prosecution case, petitioners and other co-accused persons abused and assaulted the informant with knife and iron rod. They also tried to set the informant on fire. The occurrence took place as the informant refused to compromise the earlier case filed against petitioner no. 1 and others.

04. Learned counsel for the petitioners submits that the



petitioners are innocent and have been falsely implicated in this case. The informant of this case is daughter-in-law of petitioner no. 1 and due to her quarrelsome nature, petitioner no. 1 separated her and her husband from the family to maintain peace. The petitioners did not assault the informant rather it was the family members of the informant who assaulted the petitioners and others and Sugauli P.S. Case No. 178 of 2024 has been lodged against them for an occurrence of 19.04.2024. In order to save their skin, the present false case has been lodged. Learned counsel further submits that injuries as discussed in the rejection order shows the injuries of the informant are merely abrasions of superficial dimensions and teeth bite mark. The injury report completely falsifies the allegation of assault by knife and iron rod. The petitioner no. 1 has a criminal antecedent of one case in which he is on bail and petitioner no. 2 has clean antecedent.

05. Learned A.P.P. for the State opposes the submission made on behalf of the learned counsel for the petitioners.

06. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the earlier case of the petitioner side and also considering superficial and non-corroborative nature of injuries of the informant and also considering the possibility of false accusation, let the petitioners above named, in the event of their arrest or surrender before the



court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Court of J.M.-1st Class, Motihari, East Champaran in connection with Sugauli P.S. Case No. 182 of 2024, subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the petitioners.
- (ii) The petitioners will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

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