

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77382 of 2023

Arising Out of PS. Case No.-200 Year-2022 Thana- LAURIA District- West Champaran

Majam Khan @ Movajan Ali @ Movajan Khan Son Of Humayun Khan
Resident Of Vill- Sikta Deoraj, Ps- Lauriya, Distt- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Aditya Nath Jha, Advocate

For the Opposite Party/s : Mr. Jagdhar Prasad, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

5 19-03-2024 Heard learned Senior Counsel for the petitioner and
learned Additional Public Prosecutor for the State.

2. The petitioner seeks regular bail in connection with
Lauriya P.S. Case No.200 of 2022, lodged on 19.06.2022, under
Section 302/34 of the Indian Penal Code.

3. As per the prosecution, FIR has been lodged against
six named accused persons including the present petitioner
against whom there is general and omnibus allegation that they
have assaulted the brother of the informant due to which he
died.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. The
petitioner is in custody since 08.08.2023 having no criminal
antecedent. Counsel submits that on the previous occasion case-



diary was called as in the rejection order there is statement has come in the order sheet that there are materials available in paragraphs 19 and 20 of the case-diary whereas counsel submits that other co-accused persons having similar allegation have been granted bail by a coordinate Bench of this Court vide order dated 19.07.2023 passed in Cr. Misc. No.35955 of 2023.

5. Learned counsel for the State opposes the prayer for bail.

6. Upon perusal of paragraph Nos.19 and 20 of the case-diary, there is nothing specific alleged against the present petitioner save and except general and omnibus allegation of assault to the alleged victim.

7. In the present facts and circumstances of this case and the submissions made above, let the petitioner, above named, be granted bail **only after framing of the charge, if not framed**, on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-I, West Champaran at Bettiah, in connection with Lauriya P.S. Case No.200 of 2022, subject to the conditions as laid down under Section 437(3) of the Code of Criminal Procedure with other following conditions:

(i) One of the bailor should be the family member of



the petitioner who shall provide official document to show his bona fide;

(ii) The petitioner 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 his bail bonds by the Trial Court itself;

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

(iv) The petitioner 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 petitioner 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.

(Dr. Anshuman, J)

Mkr./-

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

