

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81037 of 2024

Arising Out of PS. Case No.-186 Year-2024 Thana- CHHAURADANO District- East
Champaran

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Md. Istaj @ Istaj Miyan @ Aishtej Miyan @ Ishtej Miyan S/o- Amaruddin
Miya @ Amrudin Miyan @ Amarudin Miyan Resident of village- Juaafar
Police Station-Chhauradano District- East Champaran at Motihari

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Karandeep Kumar, Adv.

For the Opposite Party/s : Mr. Jitendra Kumar Singh , APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 26-11-2024

Heard the parties.

2. The petitioner is in judicial custody in connection with Chhauradano P.S. Case No. 186 of 2024 for the offences punishable under Sections 126(2), 115, 352, 109, 87, 303(2) of the BNS lodged on 26.07.2024 by the informant, Hussain Mian.

3. As per the prosecution story, the informant alleged that earlier one Sadre Alam had kidnapped the minor daughter of the informant for which a Panchayati was being held but with a premeditated intention, Tabrej Alam and Sadre Alam assaulted the informant's side. So far this petitioner is concerned, he assaulted Israfil Miyan. Asharful Mian assaulted Amruddin Miyan while Mushtaque Miyan assaulted the informant, Meraj Miyan also assaulted Asharful Miyan. The injured list also shows that Jahur Mian, Ali Akhtar Miyan and Najrullah were



also had to suffer the bruise. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that an exaggerated FIR has been lodged implicating all the family members of the other side. So far this petitioner is concerned, allegation is of assaulting Ishraful Miyan on the head which has been found to be simple in nature (Annexure-2). The last submission is that irrespective of the outcome of the present case and or accepting the allegation he intends to pay Rs. 10,000/- (Ten thousand) to Ishraful Miyan towards the medical assistance through Demand Draft issued by the local State Bank of India branch to be submitted before the 'NAZARAT' of concerned Court to be handed over to the informant after checking the credentials.

5. Learned APP, Mr. Jitendra Kumar Singh opposes the prayer submitting that allegation against the petitioner is of assaulting on the head of Ishraful Miyan.

6. These are such cases where the young people develop relationship, it is resented by the family members of both the side which finally results into fight where one side suffers injuries while the other found themselves in jail.

7. Coming to the allegation, the petitioner has assaulted Ishraful Miyan and Annexure-2 shows the medical



report, according to which, the same has been found to be simple in nature, though the petitioner has criminal antecedent (which has come by way of supplementary affidavit), is in custody since 27.07.2024 (para-4 of the petition), in that background, this Court is inclined to extend him the privilege of bail, subject to the payment of Rs. 10,000/- (Ten thousand) to Ishraful Miyan through the Bank Draft issued by the local State Bank of India branch to be submitted before the 'NAZARAT' of concerned Court to be handed over to the informant after checking the credentials.

8. Let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Judicial Magistrate 1st Class, East Champaran at Motihari in connection with aforesaid P.S. Case subject to the following conditions:

(i) one of the bailors 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



bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month for next six months to mark his attendance;

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

(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 his bail bonds.

(Rajiv Roy, J)

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