

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86577 of 2024

Arising Out of PS. Case No.-239 Year-2024 Thana- BAIRIYA District- West Champaran

Chand Hussain @ Chand Hussain Alam, S/O Majid Miyan, Resident Of
Village- Bairiya, Ward No 8, PS- Bairiya, Dist West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ram Kishun Prasad, Advocate

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

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

2 13-12-2024 Heard learned counsel for the petitioner and Mr.
Chandra Bhushan Prasad, learned APP for the State.

2.The instant application for anticipatory bail has been filed by the petitioner apprehending his arrest in connection with Bairiya P.S. Case No. 239 of 2024 instituted for the offence under Sections 118, 109, 126, 3(5) of Bharatiya Nyaya Sanhita.

3. The case of the prosecution is that when Chandan has gone to see the weapon demonstration on the occasion of Muharram festival, the petitioner along with others knocked him down and Nazir Miyan stabbed with knife.

4. Learned counsel appearing on behalf of the petitioner has submitted that petitioner is innocent and has committed no offence. He has falsely been implicated in this case. There is land dispute between the parties. Petitioner is only



the member of mob and allegation against him is general and omnibus. The main thrust of allegation is against Nazir Miyan. Petitioner is having no criminal antecedent. Similarly situated two co-accused persons have already been granted anticipatory bail by this Court vide order dated 22.11.2024 passed in Cr. Misc. No. 73585 of 2024.

5. In contra, learned APP appearing for the State has opposed the prayer of bail of the petitioner.

6. Having heard learned counsel for the parties and in the facts and circumstances of the case as stated above, this Court is inclined to enlarge the petitioner on bail. The petitioner is directed to surrender in the Court below within a period of four weeks from today and in the event of his arrest or surrender in connection with Bairiya P.S. Case No. 239 of 2024, he will be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bettiah, West Champaran, subject to the conditions as laid down under section 438(2) of the Cr.P.C.

(Ashok Kumar Pandey, J)

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