

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1681 of 2024

Arising Out of PS. Case No.-488 Year-2023 Thana- MOTIHARI MUFASIL District- East
Champaran

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1. JALIM MIYAN @ JAMIL AKHTAR MIYA @ JAMIL AKHTAR ALI @ JAMIL AKHTAR, SON OF MASUD MIYA, RESIDENT OF VILLAGE-NAURANGIYA, P.S.- LAKHAURA, DISTRICT- EAST CHAMPARAN, MOTIHARI
 2. MASUD MIYAN, SON OF IMAM MIYAN, RESIDENT OF VILLAGE-NAURANGIYA, P.S.- LAKHAURA, DISTRICT- EAST CHAMPARAN, MOTIHARI
 3. IRSHAD MIYAN @ IRSHAD, SON OF MASUD MIYAN, RESIDENT OF VILLAGE-NAURANGIYA, P.S.- LAKHAURA, DISTRICT- EAST CHAMPARAN, MOTIHARI

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Rajesh Kumar, Advocate
		Mr. Deep Anshuman, Advocate
For the Opposite Party/s	:	Mr. Sanjay Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

4 26-04-2024

1. Heard learned counsel for the parties.

2. The petitioners have preferred this application for grant of anticipatory bail apprehending his arrest in connection with Motihari Muffasil (Lakhaura) P.S. Case no. 488 of 2023 registered under sections 308, 341, 323, 324, 354, 379, 325, 342, 504 and 34 of Indian Penal Code.

3. As per the prosecution case, over a dispute relating to throwing of garbage, it is stated by the informant that on the orders of Masud Miyan, Jalim Miyan @ Jamil Akhtar Miya and



others are said to have assaulted with iron rod etc. as a result of which the informant and others fell down injured.

4. Learned counsel for the petitioners submits that they have been falsely implicated in the case. The manner of occurrence is other than what has been narrated in the F.I.R. There is case and counter case between the parties. So far as Masud Miyan is concerned, he is only said to be the order giver and there is no overt act alleged against him. Also no overt act is alleged against Irshad Miyan @ Irshad. It is finally submitted that so far as Jalim Miyan @ Jamil Akhtar Miya is concerned, the injury report does not support the prosecution case and the nature of injury has been found to be simple in nature. Akhtar Miya @ Aktar Miya has been enlarged on bail vide order dated 18.1.2024 passed in Cr. Misc. no.1217 of 2024.

5. The application for anticipatory bail is opposed by learned A.P.P for the State who submits that Akhtar Miya @ Aktar Miya has been granted regular bail but the present application is for anticipatory bail. Further, the injury report supports the allegation of assault with an iron rod by Jalim Miyan.

6. Having heard learned counsel for the parties and taking into consideration the allegations in the F.I.R, the



material that has transpired in course of investigation including the injury report, the Court is not inclined to enlarge the petitioner no.1 Jalim Miyan @ Jamil Akhtar Miya on anticipatory bail and the application is rejected.

7. The petitioner no.1 Jalim Miyan is directed to surrender in the learned Court below within a period of four weeks.

8. In the facts and circumstances of the case, the petitioner nos.2 and 3, Masud Miyan and Irshad Miyan @ Irshad respectively are directed to be released on anticipatory bail, in the event of their arrest or surrender before the learned Court below within a period of four weeks, in connection with Motihari Muffasil (Lakhaura) P.S. Case no. 488 of 2023, on each of them furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, East Champaran, Motihari.

(Partha Sarthy, J)

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