

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1217 of 2024

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

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AKHTAR MIYAN @ AKTAR MIYA SON OF MASUD MIYA RESIDENT
OF VILLAGE - NAURANGIYA, P.S. - LAKHAURA, DISTRICT - EAST
CHAMPARAN, MOTIHARI

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Sanjay Kumar Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 18-01-2024

1. Heard learned counsel for the parties.

2. The petitioner has preferred this application for grant of regular bail in connection with Muffasil (Lakhaura) P.S Case no.488 of 2023 registered under sections 341, 323, 324, 325, 342, 354, 308, 379, 504 and 34 of the 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 accused Masud Miya, the petitioner gave a *farsa* blow on the head of the informant, as a result of which he fell down injured.

4. Learned counsel for the petitioner submits that the petitioner has 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. Referring to



the order of the learned trial Court, it is submitted that the injury report does not support the prosecution case insofar as against the allegation of assault by *farsa*, the injury is said to have been caused by hard and blunt substance and in any case has been opined to be simple in nature. The petitioner is in custody since 5.9.2023 and charge-sheet has been submitted in the case.

5. The prayer for bail is opposed by learned A.P.P for the State.

6. Having heard learned counsel for the parties and taking into consideration the allegations in the F.I.R, there being case and counter case between the parties, the injury having been found to be simple in nature, the petitioner being in custody for more than 4 months since 5.9.2023 and charge-sheet having been submitted in the case, the petitioner is directed to be enlarged on bail in connection with Muffasil (Lakhaura) P.S Case no.488 of 2023 on 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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