

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.1065 of 2024**

Arising Out of PS. Case No.-220 Year-2023 Thana- SUGAULI District- East Champaran

1. TABREJ ALAM, Male, aged about 34 years, SON OF GAFAR MIYAN
  2. AMNA KHATOON, Female, aged about 48 years, WIFE OF GAFAR MIYAN
  3. MUSTAKIM MIYAN, Male, aged about 46 years, SON OF JAN MAHAMMAD MIYAN
  4. PRAWAJ ALAM, Male, aged about 46 years, SON OF MUSTAKIM MIYAN
  5. KANTUM KHATOON @ KUNTUN KHATOON, Female, aged about 42 years, WIFE OF MUSTAKIM MIYAN
  6. RESHMA KHATOON @ REHMA KHATOON, Female, aged about 30 years, WIFE OF NAJAMUDDIN MIYAN
  7. NAJAMUDDIN MIYAN, Male, aged about 35 years, SON OF HANIF MIYAN
  8. ALFAJ MIYAN @ ALFAJ ALAM, Male, aged about 18 years, SON OF AMJAD MIYAN
- All RESIDENT OF VILLAGE - SUGAUW DIH, POLICE STATION - SUGAULI, DISTRICT - EAST CHAMPARAN

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Anil Kumar, Advocate  
For the Opposite Party/s : Mr.Madhura Nand Jha, APP

**CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH**  
**ORAL ORDER**

2      24-01-2024      Heard Mr. Anil Kumar, learned counsel appearing on behalf of the petitioners and Mr. Madhura Nand Jha, learned APP for the State.

2. The petitioners seek pre-arrest bail in connection with Sugauli P.S. Case No. 220 of 2023 dated 05.06.2023 registered for the offence(s) punishable under Sections 147, 149,



447, 341, 323, 307, 354(B), 379 and 504 of the Indian Penal Code.

3. As per the allegation made in the FIR, accused persons including the petitioners assaulted the informant and her sons and they further proceeded to outrage the modesty of daughter-in-law of the informant.

4. Learned counsel appearing on behalf of the petitioners submitted that specific allegation of assaulting the informant is against Chand Miyan and there is general and omnibus allegation against petitioner nos.1 to 4 and 6 and 8, while allegation against petitioner no.5, who is a female, is that she has snatched nose tops of the daughter-in-law of the informant and allegation against petitioner no.7 is of outraging the modesty of daughter-in-law of the informant along with co-accused Gaffar Mian. Learned counsel further submitted that there is case and counter case and both the sides entered into fierce fight and in the self-defence, petitioners without any intention may have assaulted the informant and her family members.

5. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail.

6. Considering the nature of allegation made in the



FIR, as well as, the fact that there is case and counter case between the parties and petitioners in their self-deence might have caused injury to the informant and her sons, I am of the opinion that petitioners have, *prima facie*, made out a case to be released on pre-arrest bail.

7. The petitioners, above named, are directed to be released on pre-arrest bail, in the event of their arrest or surrender before the Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1<sup>st</sup> Class, East Champaran, Motihari in connection with Sugauli P.S. Case No. 220 of 2023, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

8. The court below is directed to verify the criminal antecedent of the petitioners and if it is found that the petitioners are involved in some other cases, as what has been stated in paragraph no.3 of the bail application, this order will automatically lose its force.

(Purnendu Singh, J)

Sanjay/-

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