

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67804 of 2024

Arising Out of PS. Case No.-178 Year-2023 Thana- SUGAULI District- East Champaran

1. Satar Miyan Son of Late Jalmahammad Miyan R/O Vill.- Sugauw Dih, P.S.- Sugauli, Dist.- East Chamapran.
2. Gafar Miyan Son of Late Jalmahammad Miyan R/O Vill.- Sugauw Dih, P.S.- Sugauli, Dist.- East Chamapran.
3. Mustakim Miyan Son of Janmohammad Miyan R/O Vill.- Sugauw Dih, P.S.- Sugauli, Dist.- East Chamapran.
4. Jamaluddin Alam @ Jamaluddin @ Jamliddin Son of Mohammad Sattar R/O Vill.- Sugauw Dih, P.S.- Sugauli, Dist.- East Chamapran.
5. Saheb Alam @ Shahabuddin Miyan Son of Sattar Miyan R/O Vill.- Sugauw Dih, P.S.- Sugauli, Dist.- East Chamapran.
6. Chand Alam @ Chand Ahmad Son of Abdul Gaffar R/O Vill.- Sugauw Dih, P.S.- Sugauli, Dist.- East Chamapran.
7. Tabrej Alam Son of Abdul Gaffur Miya R/O Vill.- Sugauw Dih, P.S.- Sugauli, Dist.- East Chamapran.
8. Prawej Alam @ Parwez Alam Son of Mustkim Miyan R/O Vill.- Sugauw Dih, P.S.- Sugauli, Dist.- East Chamapran.
9. Jabed Alam @ Jawed Alam Son of Mustkim Miyan R/O Vill.- Sugauw Dih, P.S.- Sugauli, Dist.- East Chamapran.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Anil Kumar, Advocate
For the Opposite Party/s : Mr. Upendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 22-01-2025 Heard Mr. Anil Kumar, the learned counsel for the

petitioners and Mr. Upendra Kumar, the learned Additional

Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in

connection with Sugauli PS Case No. 178 of 2023, FIR dated



12.05.2023, registered for the offences punishable under Sections 341, 323, 324, 354 and 379 read with Section 34 of the Indian Penal Code.

3. According to the prosecution case, the FIR named accused persons, variously armed, started digging ground purchased by the informant and upon her protest, they assaulted informant and her family members and also looted various articles and cash of Rs. 25,000/- (Rupees twenty-five thousand only).

4. Learned counsel for the petitioners submits that petitioners have falsely been implicated in the present case and there is case and counter-case between the parties. He further submits that upon perusal of the FIR, it appears that petitioners are named in the FIR and bare perusal of FIR it also appears that FIR is in two parts, in the first part there is direct and specific allegation of assault attributed against petitioner no. 6 namely, Chand Alam @ Chand Ahmad and in the second part, there is general and omnibus allegation against all the co-accused persons including the petitioners. He lastly submits that although informant and her other family members have received the injury, however, injury report of the informant and other family members suggests that injury is simple in nature caused



by hard and blunt substance.

5. The learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioners and submits that although petitioner nos. 4, 5, and 9 have clean antecedent but petitioner nos. 1, 2, 3, 6, 7 and 8 carry one criminal antecedent other than the present, however, he fairly submits that petitioner nos. 1, 2, 3, 6, 7 and 8 are on bail in the pending matters.

6. Considering the aforesaid facts and circumstances and mainly the facts that there is case and counter case between the parties and injury inflicted upon the injured persons is found to be simple in nature, let the petitioners, above-named, in the event of their arrest or surrender before the learned trial Court, within a period of four weeks from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Motihari, East Champaran, where the case is pending in connection with **Sugauli PS Case No. 178 of 2023**, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. / Section 482(2) of the BNSS, 2023 and also the following conditions:



(i). Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the learned trial Court and shall remain physically present as directed by the learned trial Court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the learned trial Court.

(ii). If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(iii). And further condition that the learned trial Court shall verify the criminal antecedent of the petitioners and in case, at any stage, it is found that the petitioners have concealed their criminal antecedent, the learned trial Court shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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