

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68086 of 2025

Arising Out of PS. Case No.-905 Year-2023 Thana- SIKARPUR District- West Champaran

Sarfuddin Mian @ Sarfuddin Miyan @ Sarfudin Miyan S/o- Mohamddin
Mian @ Mahmaddin Miyan R/v- Belbaniya Ps- Shikarpur Dist- West
Champaran Petitioner/s

Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey

For the Opposite Party/s : Mr. Ram Anurag Singh

CORAM: HONOURABLE MR. JUSTICE S. B. PD. SINGH

ORAL ORDER

2 24-09-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has preferred this application for grant of regular bail in connection with Sikarpur P.S. Case No. 905 of 2023 registered for the offences punishable under Sections 147, 149, 341, 323, 302, 307 and 34 of the Indian Penal Code.

3. As per the prosecution story, the informant has alleged that on 17.11.2023, at about 4:00 pm, his neighbor *Mahmadin Mian* along with other accused persons armed variously, came to his door and started abusing him. When he objected, they assaulted him. When his wife *Rasoolbani Khatoon* came to save him, it is alleged that *Mahmadin Mian* and *Salauddin Mian* both assaulted her by means of iron rod on her head with the intention to kill her. Consequently, she fell on the ground there itself. When his elder brother-in-law *Mahmjan*



Mian came to save both of them, *Attauddin Mian* and *Safruddin Mian* both together hit him by means of iron rod on his head. Her wife *Rasoolbani Khatoon* died during treatment and his elder brother-in-law *Mahamjan Miyan* was referred to a higher centre for better treatment.

4. Learned counsel for the petitioner submits that the petitioner has not committed any offence as alleged in the F.I.R. and he has falsely been implicated in this case for ulterior motive, under mistake of fact, for extraneous consideration and merely being family member of co-accused persons. From perusal of F.I.R. it appears that, on a trivial issue relating to a quarrel between the children of both the sides, an altercation took place and no one was there with intention to kill anyone. Accusation is against co-accused persons namely *Mahmadeen Mian* and *Salauddin Mian* who allegedly assaulted the informant's wife (deceased). Learned counsel further submits that all the accused persons assaulted the deceased, informant and his brother-in-law but the Post Mortem Report of the deceased doesn't corroborate such allegation and there is no injury report with respect to the other so called injured persons. It is also submitted that other co-accused person namely, *Allaaddin Miyan* has been granted bail by a Co-ordinate Bench of this Court vide order dated 24.01.2025 in Cr. Misc. No. 80219 of



2024 and other co-accused persons had already been granted anticipatory bail by this Hon'ble Court.

5. Learned A.P.P. appearing on behalf of the State has vehemently opposed the prayer for bail of the petitioner.

6. Keeping in view the aforesaid facts and considering the period under custody, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge 5th, Bettiah, West Champaran in connection with Sikarpur P.S. Case No. 905 of 2023 subject to the following conditions :-

(i). Petitioner will remain physically present in trial on each and every date till the disposal of the case failing which, on two consecutive dates without reasonable cause, the bail bond of the petitioner may be cancelled by the Trial Court.

(ii). One of the bailor shall be his family member.

(S. B. Pd. Singh, J)

Ankit Kumar/-

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