

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83518 of 2024**

Arising Out of PS. Case No.-186 Year-2024 Thana- CHHAURADANO District- East
Champaran

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1. Amaruddin Miya @ Amrudin Miyan @ Amarudin Miyan Son of Arjun Miya @ Arjan Miyan Resident of Village-Juaafar, Police Station- Chhauradano, District- East Champaran at Motihari.
 2. Md. Mostak Miyan @ Md. Mostak @ Mostak Miyan Son of Amaruddin Miya @ Amrudin Miyan @ Amarudin Miyan. Resident of Village-Juaafar, Police Station- Chhauradano, District- East Champaran at Motihari.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Karandeep Kumar, Advocate
For the Opposite Party/s : Mr. Kalyan Shankar, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER**

4 22-04-2025 Heard the learned counsel for the petitioners, and the
learned Additional Public Prosecutor for the State.

2. The petitioners seek regular bail in connection with Chhauradano P.S. Case No.186 of 2024, registered for the offences punishable under Sections 126(2), 115, 352, 109, 87, 303(2) and 3(5) of the B.N.S.

3. The prosecution story in brief is that the informant alleged that earlier one Sadre Alam had kidnapped the minor daughter of the informant for which a *panchayati* was held. In the meantime, with premeditated intention, Tabrej Alam and



Sadre Alam assaulted the informant's side. It has been stated in the FIR that the petitioners, namely, Amruddin Miyan and Mustak Miyan, they both gave blows by sword (*talwar*) upon Tabrez Alam and Sadre Alam, resulting in serious injuries. Consequently, petitioners are also alleged to have assaulted other persons causing injuries to them.

4. Learned counsel for the petitioners submits that the story propounded by the informant was an exaggeration of the actual incident which had occurred. He further submits that there is no specific allegations as to who caused which injury to the injured persons. Learned counsel further submits that the parties have compromised within themselves, however, since the offences are not compoundable, they have made an application before the learned court below and a copy of such application of compromise petition has been brought on record by way of Annexure P/3 as contained in the supplementary affidavit filed by the petitioners. Lastly, he submits that petitioners are having clean antecedent and both are in custody since 27.07.2024.

5. Learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail and has stated that there is specific allegation against the petitioners to have



assaulted the injured persons causing grievous injuries to them.

6. Considering the aforesaid submissions made by the parties and taking into account the fact that similarly situated co-accused person, namely, Md. Istaj has been granted regular bail by a Co-ordinate bench of this Hon'ble Court vide order dated 26.11.2024, passed in criminal Misc. No. 81037 of 2024, I am inclined to grant the petitioners privilege of regular bail.

7. Accordingly, the prayer for bail is allowed.

8. Let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the court of learned Judicial Magistrate 1st Class, East Champaran At Motihari, in connection with Chhauradano P.S. Case No. 186 of 2024, subject to the following conditions:-

(i) The petitioners will remain present on each and every date fixed by the Court below, if so required by the learned Trial Court.

(ii) In case of absence on two consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be canceled by the Court concerned.

(iii) If, the petitioner is found involved in similar nature of offence in the future, the prosecution will be at liberty



to move for cancellation of his bail bonds.

9. The application stands allowed

(Sourendra Pandey, J)

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