

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82512 of 2024

Arising Out of PS. Case No.-214 Year-2024 Thana- CHAKIA District- East Champaran

1. Sajjad Alam Son Of Seraj Alam @ Mohammad Serajuddin Ansari Resident Of Village- Konhiya Tola Barkurwa, P.S.- Chakiya, Distt.- East Champaran
2. Sahil Mansuri @ Sahil Ali Son Of Asgar Mansuri @ Asgar Ali Resident Of Village- Konhiya Tola Barkurwa, P.S.- Chakiya, Distt.- East Champaran
3. Arman Ali @ Arman Mansuri Son Of Asgar Mansuri @ Asgar Ali Resident Of Village- Konhiya Tola Barkurwa, P.S.- Chakiya, Distt.- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Suraj Kumar Tiwari, Adv.
For the State	:	Mr. Bharat Lal, APP
For the Informant	:	Mr. Dhananjay Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

4 19-02-2025 Heard learned counsel for the petitioners and learned APP for the State as also learned counsel for the Informant. Perused the case diary.

2. The petitioners seek bail in connection with Chakiya P.S. Case No. 214 of 2024 instituted for the offences under Sections 126(2), 115(2), 118(1), 109, 352, 303(2), 3(5) and later on added Section 103(1) of the Bhartiya Nyaya Sanhita, 2023.

3. As per prosecution case, the accusation against the accused persons including the petitioners is of brutally assaulting the Informant's son Arbaz Alam and nephew Azad Ali



by means of *lathi*, rod, *farsa* and sword due to which both of the sustain grievous injuries. It is alleged that the injured Arbaz Alam died in course of his treatment.

4. Learned counsel for the petitioners submits that the petitioners are innocent and they have been falsely implicated in the present case with false and frivolous allegations. The petitioners have not committed any offence as alleged in the F.I.R. There are total 12 named accused person including the petitioners. There are no specific allegation against the petitioners except the petitioner no.2. The allegation against the petitioner no.2 is of snatching a gold chain of the Informant's son. The Informant is not the eye-witness to the alleged occurrence. The petitioners were only the members of the mob. The date of occurrence is 17.07.2024 but, the police was communicated of the same on 20.07.2024 i.e. after more than 63 hours and the same was sent to the concerned court on 24.07.2024 after delay of about four days which creates doubt in the prosecution case. Learned counsel for the petitioners submits that there is no direct or specific allegation of any overt act against the petitioners rather the same is general and omnibus in nature. The petitioners have no criminal antecedent. The petitioner nos. 1 & 2 have surrendered before the court



below on 09.09.2024 whereas the petitioner no.3 has surrendered on 07.09.2024.

5. On the other hand, learned A.P.P. for the State and the Informant have vehemently opposed the prayer for grant of bail to the petitioners, stating that the offence alleged against the petitioners is serious in nature. One injured has died in course of treatment. The postmortem report supports the prosecution case. The witnesses in Para 2, 6, 7, 27, 25, 38 and 39 of the case diary have supported the prosecution case. Charge-sheet has been filed against the petitioners under Sections 191(2), 191(3), 190, 126(2), 115(2), 118(1), 109, 352, 103(1) of the Bhartiya Nyaya Sanhita, 2023 The petitioners are named in the F.I.R. and, hence, they do not deserve bail.

6. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case, the period of custody of the petitioners, there being no specific allegation of any overt act against the petitioners, let the petitioners, abovenamed, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Chakiya P.S. Case No. 214 of 2024, subject to the following conditions;



(i) One of the bailor(s) shall be the own/close family members of the petitioners.

(ii) The petitioners shall cooperate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and in the event of failure on two consecutive dates without sufficient reasons, their bail bonds shall be liable to be cancelled by the court below.

(Rudra Prakash Mishra, J)

rishi/-

U		T	
---	--	---	--

