

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82529 of 2025

Arising Out of PS. Case No.-605 Year-2024 Thana- MAJHAULIA District- West Champaran

1. Meraj Mian @ Meraj Alam @ Meraj Miya Son of Gyasu Mian @ Gayasuddin Mian @ Gayasuddin Miyan R/o Village- Maheshara, P.S.- Gopalpur, District- West Champaran.
2. Irphan Mian @ Infan Mian @ Inphan Miya Son of Gyasu Mian @ Gayasuddin Mian @ Gayasuddin Miyan R/o Village- Maheshara, P.S.- Gopalpur, District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sarvesh Kashyap, Advocate

For the Opposite Party/s : Mr. Ajay Kumar Jha, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 04-12-2025 Heard learned counsel for the petitioners and learned
APP for the State.

02. In the present case, the petitioners seek bail in connection with Majhauriya P.S. Case No. 605 of 2024 registered for the alleged offences under Sections 126(2), 115(2), 118(1), 109, 352, 3(5) of Bharatiya Nyaya Sanhita, 2023.

03. As per prosecution case, during immersion of idol, the petitioners and co-accused started abusing a group which had gone for immersion of idol. Subsequently, the petitioners and other 10-15 co-accused persons, variously armed, came there and surrounded and assaulted the nephew of the informant. Petitioner-Irfan Mian stabbed the nephew of the informant repeatedly. Co-accused, Bullet Patel, was apprehended.



04. Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. The allegation against the petitioner no. 1 is that he held the hands of informant's nephew and petitioner no. 2 inflicted knife blow to the nephew of the informant. However, the injury report shows the injury sustained by the informant is simple in nature. There are no independent witnesses. No one has seen who inflicted the knife blow to the nephew of the informant. As the petitioners were present near the place of occurrence, they have also been named by the informant. The injuries are doubtful and no injury report with specific details has been brought on record. There is previous dispute between the parties but the matter has now been amicably compromised and the parties do not want to proceed further in the matter. Learned counsel further submits that the petitioners are having clean antecedent and they are in custody since 07.08.2025 and charge-sheet has been submitted.

05. Learned APP for the State opposes the submission made on behalf of the petitioner. Learned APP submits that petitioner no. 2 gave knife blow to the nephew of the informant while petitioner no. 1 had caught hold of the informant's nephew.

06. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the period of custody of the petitioners along with submission of



charge-sheet, the petitioners above named are directed to 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 learned Chief Judicial Magistrate, Bettiah, West Champaran/court concerned in connection with Majhauliya P.S. Case No. 605 of 2024, subject to the conditions mentioned in Section 480(3) of BNSS and the following conditions:

- (i) One of the bailors will be a close relative of the petitioners.
- (ii) The petitioners will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioners will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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