

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62032 of 2019

Arising Out of PS. Case No.-437 Year-2019 Thana- TURKAULIYA District- East
Champaran

-
1. KUNDAN KUMAR Son of Shiv Rai @ Shivjee Rai Resident of Village - Basman, P.S.- Muffasil, Dist.- East Champaran.
 2. Surat Rai @ Suraj Rai Son of Late Babulal Rai Resident of Village - Jaisinghpur Gokhula, P.S.- Turkauliya, Dist.- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Umesh Chandra Verma
For the Opposite Party/s : Mr.Dashrath Mehta

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 20-11-2019 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners seeks bail in connection with Turkauliya P.S. Case no.437/2019 registered for the offence punishable under Sections 147, 148, 149, 323, 341, 324, 307, 354, 379, 5 04 of the IPC and 27 of the Arms Act.

The prosecution case got initiated on the basis of written report of Sabita Devi submitted before the Station House Officer, Turkauliya, East Champaran Police Station is to the effect that on 02.07.2019 at 2.30 P.M., the FIR named accused persons, including the petitioners along with 8-10 unknown persons variously armed came and committed robbery in the house of the informant. It is further alleged that on seeing the



informant and his brother, Uma Shankar, co-accused, Satyanarayan Rai ordered to kill, whereupon, co-accused, Kundan Kumar and Birendra Rai caught hold of the brother of the informant. Thereafter, on the order of co-accused, Sambhu Rai, co-accused Sadhu Yadav fired on the brother of the informant with a country made pistol. Thereafter, co-accused Sadhu Yadav, fired on the informant, as a result the informant got injured and fell down. It is further alleged that when the uncle of the informant Bhikhari Rai, came to rescue, then petitioner, Abhay Kumar and co-accused Manoj Rai assaulted him with lathi and iron rod. All the accused persons, including the petitioner are also alleged to have brutally assaulted the brother and uncle of the informant, as a result they got injured. The petitioner is also alleged to have snatched a gold chain from the neck of the informant worth Rs.40,000/-. It is further alleged that earlier, the brother of the informant, Dharmendra Kumar Yadav was killed at the behest of the accused persons for which Turkauliya P.S. Case No. 729 of 2018 was registered levelling accusation under Sections 147, 148, 149,341,302 of the I.P.C and when the informant was pressurized in order to compromise the case and give evidence in their favour, and he refused, the said incident took place by all the accused persons, including



the petitioner.

It is submitted by learned counsel for the petitioners in the background of earlier land dispute and old enmity, has been roped in the present case. It is further submitted that there is no specif accusation of assault by the petitioner upon the informant. Petitioners have got no criminal antecedent and are in custody since 11.07.2019. Learned counsel for the petitioners further submits that co-accused has been granted bail by co-ordinate Bench vide order dated 22.10.2019 in Cr. Misc. No.62019/2019.

In the facts and circumstances of the case, 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 learned Chief Judicial Magistrate, Motihari, East Champaran in connection with Turkauliya P.S. Case no.437/2019.

(Anjani Kumar Sharan, J)

Prakash Narayan /-

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

