

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23308 of 2022

Arising Out of PS. Case No.-57 Year-2021 Thana- PATAHI District- East Champaran

1. TEJILAL PRASAD KUSHWAHA @ TEJILAL PRASAD S/o Late Basudeo Kushwaha R/o village- Sugapipar, P.S.- Patahi, District- East Champaran
2. Santosh Prasad Kushwaha S/o Tejilal Prasad Kushwaha @ Tejilal Prasad R/o village- Sugapipar, P.S.- Patahi, District- East Champaran
3. Dilip Kumar S/o Tejilal Prasad Kushwaha @ Tejilal Prasad R/o village- Sugapipar, P.S.- Patahi, District- East Champaran
4. Nitesh Kumar S/o Tejilal Prasad Kushwaha @ Tejilal Prasad R/o village- Sugapipar, P.S.- Patahi, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhishek Kumar
For the Opposite Party/s : Mr.Kalyan Shankar

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 10-11-2022 Heard learned counsel for the parties.

The petitioners apprehend their arrest in a case registered for the offence under Sections 341, 323, 302, 380, 506, 34 of the Indian Penal Code.

As per written report of informant, he alleged that F.I.R. named accused persons including these petitioners were assaulting his mother by *lathi* and *danda*. He further alleged that co-accused Tileshwari Devi assaulted his mother (deceased) by brick causing head injury to her and thereafter, the accused persons entered into the house of informant and took away brief-case containing cash worth Rs. 50,000/-, cloths and some ornaments.



It is submitted on behalf of petitioners that petitioners have been falsely implicated in this case due to land dispute between the parties. *Post-mortem* report falsifies the prosecution case inasmuch as only one injury on the head of deceased was found, which is attributed to co-accused Tileshwari Devi. No other external or internal injury has been found on the person of deceased.

However, learned counsel for the informant vehemently opposes the prayer for bail and submits that petitioners are named in the F.I.R. and all these petitioners including co-accused Tileshwari Devi committed assault on the mother of informant, as a result of which, she died.

Considering the *post-mortem* report wherein doctor has found only one injury on the head of deceased, which has been attributed to co-accused Tileshwari Devi, and no other external or internal injury has been found on the person of deceased, the prayer for anticipatory bail of petitioners is allowed. Let the above named petitioners, in the event of their arrest/surrender within a period of six weeks from today, be enlarged 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 8th Additional Chief Judicial Magistrate,



East Champaran at Motihari in connection with Patahi P.S. Case
No. 57 of 2021, subject to condition as laid down under Section
438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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