

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38418 of 2022

Arising Out of PS. Case No.-792 Year-2015 Thana- TURKAULIYA District- East
Champaran

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1. GOVARDHAN SAH SON OF LATE SARYUG SAH RESIDENT OF VILLAGE- SHANKAR SARAIYA, RAMA SINGH TOLA, P.S.- TURKAULIYA, DISTRICT- EAST CHAMPARAN, BIHAR
 2. PRABHAVATI DEVI @ PRABHAWTI DEVI WIFE OF GOVARDHAN SAH RESIDENT OF VILLAGE- SHANKAR SARAIYA, RAMA SINGH TOLA, P.S.- TURKAULIYA, DISTRICT- EAST CHAMPARAN, BIHAR
 3. RAMESH SAH SOF OF LATE RAGHUNATH SAH RESIDENT OF VILLAGE- SHANKAR SARAIYA, RAMA SINGH TOLA, P.S.- TURKAULIYA, DISTRICT- EAST CHAMPARAN, BIHAR
 4. MEERA DEVI WIFE OF RAMESH SAH RESIDENT OF VILLAGE- SHANKAR SARAIYA, RAMA SINGH TOLA, P.S.- TURKAULIYA, DISTRICT- EAST CHAMPARAN, BIHAR
 5. NEERAJ DEVI WIFE OF MANU SAH RESIDENT OF VILLAGE- BARIYAR PUR, P.S.- CHHATAUNI, DISTRICT- EAST CHAMPARAN, BIHAR

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Preety Kunwar

For the Opposite Party/s : Mr. Nitya Nand Tiwary

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 05-12-2022 Heard learned counsel for the petitioners as well as
learned Additional Public Prosecutor for the State.

Learned counsel for the petitioners is directed to remove
the defects within four weeks.

The petitioners apprehend their arrest in a case registered
for the offence punishable under Sections 341, 323, 427, 380,
307 of the Indian Penal Code and section 27 of Arms Act.



Allegedly, all the FIR named accused persons including the petitioners have indiscriminately assaulted the informant's side by means of various weapons.

It is submitted by learned counsel for the petitioners that petitioners are quite innocent and have committed no offence. They have been falsely implicated in this case. No such occurrence, in the manner as alleged, has ever taken place. The allegation levelled against the petitioners is not specific rather general and omnibus in nature. There is no specific overt act against the petitioners. It is submitted that the parties are agnates and there is an admitted land dispute between them. The injuries are simple in nature. The occurrence took place on 14.05.2015 and the FIR was lodged on 31.07.2015 i.e. after a delay of 77 days, without giving an plausible explanation regarding the said delay which creates a serious doubt about the prosecution story. She further submits that petitioners had no knowledge about this case and when the police started searching the petitioners for their arrest, then the petitioners moved for anticipatory bail in the court below and court below disposed of on 06.06.2022 with a direction to surrender before the court below. Petitioners have no criminal antecedent.

Learned APP for the State opposed the prayer for



anticipatory bail.

Having regard to the facts and circumstances of the case, since the injuries are simple in nature, let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/Successor Court in connection with Turkauliya P.S. Case No.792 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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