

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46938 of 2022

Arising Out of PS. Case No.-524 Year-2022 Thana- TURKAULIYA District- East
Champaran

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1. Paras Rai S/O Late Ramswaroom Rai @ Ramswaroop Rai Resident of village- Chilraw, P.S.- Turkauliya, District- East Champaran
 2. Umesh Rai S/O Shankar Rai Resident of village- Chilraw, P.S.- Turkauliya, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 48018 of 2022

Arising Out of PS. Case No.-524 Year-2022 Thana- TURKAULIYA District- East
Champaran

Narad Rai Son Of Shankar Rai R/O Village- Chilraw, P.S.- Turkauliya,
District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 46938 of 2022)

For the Petitioner/s : Mr.Abhishek Kumar, Advocate

For the Opposite Party/s : Mr.Arun Kumar Pandey, A.P.P.

For the Informant : Mr. Karandeep Kumar, Advocate

(In CRIMINAL MISCELLANEOUS No. 48018 of 2022)

For the Petitioner/s : Mr.Abhishek Kumar, Advocate

For the Opposite Party/s : Mr.Arun Kumar Pandey, A.P.P.

For the Informant : Mr. Karandeep Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA

ORAL ORDER

2 23-12-2022

Heard learned counsel for the petitioners and learned
APP for the State through video conferencing.



In the present case, the petitioners seek bail in connection with Turkauliya P.S. Case No. 524 of 2022 registered for the alleged offences under Sections 147, 149, 341, 323, 324, 307, 504, 452, 506 and 379 of the Indian Penal Code.

As per prosecution case, in the background of earlier land dispute, the petitioners and 26 other co-accused persons, variously armed, came to the doors of the informant and started hurling abuses. When he forbade them from doing so the informant was assaulted by one of the petitioners and other co-accused persons with *farsa* and iron rod. When the son, daughter and the wife of the informant tried to save him they were also assaulted.

Learned counsel for the petitioners submit that the petitioners are innocent and have been falsely implicated in this case. There is no allegation against the petitioners rather the allegations are against the co-accused persons for specific overt act. No occurrence as alleged has ever taken place but as a pressure tactics to exert pressure on the petitioner the present case has been brought into existence after procuring a fabricated injury report. The petitioners are in custody since 07.06.2022 and 08.06.2022, respectively, and charge-sheet has been submitted.

Learned APP opposes the prayer for bail.



Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the non-specific nature of allegation against them without attributing any overt act to them and further considering their period of custody along with submission of charge sheet against them, the petitioners above named are directed to be released on bail on furnishing bail bonds of Rs. 20,000/- (twenty thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Motihari at East Champaran , in connection with Turkauliya P.S. Case No. 524 of 2022, subject to the conditions mentioned in Section 437(3) of the Cr.P.C. 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 for three consecutive dates or in violation of the terms of the bail, the bail bonds of the petitioners will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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