

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8265 of 2023

Arising Out of PS. Case No.-639 Year-2022 Thana- TURKAULIYA District- East
Champaran

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1. Punam Devi W/O Dev Sah @ Devlal Sah Resident of Village- Saynagar, P.S.- Mufassil, District- West Champaran.
 2. Sobha Devi @ Shobha Devi W/O Munna Sah Resident of Village- Saynagar, P.S.- Mufassil, District- West Champaran.
 3. Dev Sah @ Devlal Sah S/O Late Saryug Sah Resident of Village- Saynagar, P.S.- Mufassil, District- West Champaran.
 4. Dhiraj Sah @ Dheeraj Sah S/O Dev Sah @ DEVLAL SAH Resident of Village- Saynagar, P.S.- Mufassil, District- West Champaran.
 5. Jaggu Sah @ Jagu Sah S/O Lalan Sah Resident of Village- Belva Tiwari Tola, P.S.- Turkauliya, District- East Champaran.
 6. Priyanka Devi W/O Jaggu Sah Resident of Village- Belva Tiwari Tola, P.S.- Turkauliya, District- East Champaran.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Shashank Shekhar, Advocate
For the Opposite Party/s : Mr. Shantanu Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 16-05-2023 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners in the present case are seeking pre-arrest bail in connection with Turkauliya Police Station Case No. 639 of 2022 registered for the offences punishable under Sections 147, 149, 341, 323, 324, 307, 354(B), 379, 504, 448 of the Indian Penal Code. They have got two criminal antecedents.

As per the prosecution story, on 04.07.2022 at about 02:00 P.M., the accused persons including these petitioners



variously armed came at the darwaza of the informant and asked as to why she filed misleading petitions against Santosh Kumar. It is alleged that at the instance of Dev Sah (petitioner no. 3) his son Munna Sah assaulted the informant with a sharp gadasi on her right palm. When the family members came to rescue, co-accused Deepak Sah assaulted Santosh Kumar on his head with an iron rod and Dhiraj Kumar (petitioner no. 4) assaulted Rohit Kumar with a gadasi on his head, thereafter all the accused persons assaulted Sonu Kumar and Ranjit Kumar with lathi/danda. It is also alleged that petitioner no. 4 outraged the modesty of Rinki Devi. It is further alleged that Punam Devi (petitioner no. 1) and Jaggu Sah (petitioner no. 5) snatched mangalsutra worth Rs.45,000/- from her neck and Sobha Devi (petitioner no. 2) snatched earring worth Rs.15,000/-.

Learned counsel for the petitioners submit that the petitioners are innocent and have falsely been implicated in this case. It is submitted that the injuries are simple in nature.

Learned APP for the State has opposed the prayer for anticipatory bail of the petitioners.

Having regard to the facts and circumstances of the case, the nature of the allegations in which the specific allegation is against one of the petitioners Dhiraj Sah who is said to have assaulted Rohit Kumar, however, the injury found on his body i.e.



on mid of the back is simple in nature, the other petitioners have not assaulted anyone, they have though otherwise have two criminal antecedents but both the cases have been lodged by the same informant who is agnate of the petitioners, this Court directs release of the petitioners above named on bail in the event of their arrest or surrender within a period of four weeks from today in connection with Turkauliya P.S. Case No. 639 of 2022 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 learned Chief Judicial Magistrate, Motihari, East Champaran, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

This application stands allowed.

(Rajeev Ranjan Prasad, J)

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