

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7880 of 2023**

Arising Out of PS. Case No.-1063 Year-2022 Thana- TURKAULIYA District- East
Champaran

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1. BIRENDRA KUMAR @ BIRENDRA KUMAR SAH Son of Late Junarbi Sah @ Junarasi Sah R/v- Bijulpur Tola Bankati, P.S.- Turkauliya, District- East Champaran
 2. RAJ KUMAR SAH Son of Late Junarbi Sah @ Junarasi Sah R/v- Bijulpur Tola Bankati, P.S.- Turkauliya, 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.Pawan Kumar Chaurasia

**CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER**

4 26-07-2023 Heard learned counsel for the petitioners, learned
counsel for the informant and learned APP for the State.

The petitioner has prayed for bail in a case
instituted for the offence under Sections 302, 201, 120B of
the Indian Penal Code.

As per allegation in the FIR, on 6.11.2022 when
informant's husband was at his door, all FIR named accused
persons including the petitioner came there and assaulted
him with feet and fat. On alarm being raised by the
informant, villagers came there and save his life. Thereafter,
informant went out to bring grass and on returning she did



not find her husband. A search was made by the informant with her son and on next day they found dead body of the informant's husband in pond.

It is submitted by learned counsel for the petitioners that petitioners have been falsely implicated in this case. They have committed no offence. No one is the eye witness of the alleged occurrence. Only on the basis of suspicion, their names have been dragged in the present case. The entire allegation hinges around suspicion. General and omnibus allegation has been levelled against the petitioner. It appears from postmortem report that death was caused due to drowning and the body was also found in the pond. Similarly situated seven accused persons have already been enlarged on anticipatory bail by another coordinate Bench of this Court vide order dated 17.07.2023 passed in Cr. Misc. No. 24509 of 2023. Petitioners have got no criminal antecedent and languishing in custody for more than six months.

The application for bail is opposed by learned APP for the State and learned counsel for the informant.

Having heard learned counsel for the parties and



considering the facts and circumstances of the case, this court is inclined to enlarge the petitioners on bail. The above named petitioners are directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, East Champaran at Motihari in connection with Turkauliya P.S. Case No. 1063 of 2022.

(Sunil Kumar Panwar, J)

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