

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No.10025 of 2023**

Arising Out of PS. Case No.-186 Year-2018 Thana- KAUWAKOL District- Nawada

AJAY TURIYA S/o Gupteshwar Turiya R/o Village- Turiadih (Bhararkol),  
Marpo, P.S.- Kawakol, Distt- Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Sanjay Kumar Sinha, Advocate

For the Opposite Party/s : Mr.Murli Dhar, APP

**CORAM: HONOURABLE MR. JUSTICE RAJIV ROY**

ORAL ORDER

2      03-05-2023      Heard learned counsel for the petitioner and the State.

The petitioner is in custody since 5.6.2022 in connection with Kawaokol P.S. Case No. 186 of 2018 under sections 147, 149, 341, 323, 307 and 504 of the Indian Penal Code lodged on 26.8.2018 by the informant Baudhu Turiya.

The prosecution case, in brief, is that on the basis of written Complaint of one Baidhu Turiya before the S.H.O. of Kawakol P.S. on 26-08-2018, that on the alleged date of occurrence at evening the informant was sitting at his door at that time Ajay Turiya ( Petitioner) came and demanded Mobile from informant. Upon his refusal, the petitioner abused him and started scuffling with him.

Thereafter, allegation is that Ajay Turiya along with other accused persons came with different deadly weapons in their hands and started abusing him. When his nephew came to his rescue, all the named accused persons including Ajay Turiya



(petitioner) assaulted with 'Taangi' to Vishundeo Turiya with an intention to kill him. He sustained injury and fell down whereafter, Rajo Turiya attacked with 'Taangi' to Karu Turiya as a result of which, he too sustained injury on his ear. On seeing the villagers, they fled away. Thereafter, he came to the Police Station and filed the case.

It has been submitted by the learned counsel for the petitioner that they are agnates and due to minor scuffle, certain injuries has alleged to be inflicted and nowhere the nature of injury has been recorded as to whether it was grievous or simple.

It is his further submission that irrespective of outcome of the present case and/or accepting the allegation, the petitioner is ready to give medical assistance of Rs. 15, 000/- to the informant.

Learned APP opposes the prayer for bail stating that he has used 'tangi' to assault Vishundeo Turiya, the nephew of the informant.

Taking into account the fact that he has already remained in custody since 5.6.2022 (as stated in para-13 of the petition), do not have any criminal antecedent and ultimately he will have to face the trial, this Court is inclined to extend him



the privilege of bail subject to payment of Rs. 15,000/-.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Nawada, in connection with Kawaokol P.S. Case No. 186 of 2018 subject to the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty



to take steps for cancellation of his bail bonds.

With the aforesaid observations, the application is  
allowed.

**(Rajiv Roy, J)**

Ravi/Kiran

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