

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41353 of 2023

Arising Out of PS. Case No.-250 Year-2023 Thana- TURKAULIYA District- East
Champaran

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1. AJAY KUMAR Son of Sri Bhabhikhan Sah @ Bhabhisan Sah @ Vavikhan Sah Resident of Village - Chailaha Chauk, P.S.- Banjarya, District - East Champaran.
 2. Niraj Kumar Son of Sri Chulhai Pandit Wrongly described as Chulhi Sah in the First Information Report, Resident of Village - Chailaha Chauk, P.S.- Banjarya, District - East Champaran.
 3. Kedar Sah Son of Late Ramswarup Sah Resident of Village - Chailaha Chauk, P.S.- Banjarya, District - East Champaran.
 4. Nagendra Sah @ Rabindra Kumar Son of Sri Asarfi Sah Resident of Village - Chailaha Chauk, P.S.- Banjarya, District - East Champaran.
 5. Mithu Sah @ Mithu Kumar Son of Sri Gobari Sah Resident of Village - Chailaha Chauk, P.S.- Banjarya, District - East Champaran.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Madhuri Kumari
For the Opposite Party/s : Mr.Zainul Abedin

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 02-08-2023 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

The petitioners are apprehending their arrest in connection with Turkauliya (Banjariya) P.S. Case No. 250 of 2023 registered for the offences punishable under Sections 147, 149, 290, 341, 323, 332, 353, 427 and 504/34 of the Indian Penal Code, 1860.

As per prosecution case, a truck in question dashed



a boy who died on the spot. It is further alleged that F.I.R. named accused persons including the petitioners surrounded the driver of the said truck and started assaulting him. It is further alleged that after getting information police reached at the place of occurrence and saved the driver. It is further alleged that the accused persons assaulted the passerby and police party also. It is further alleged that accused persons started creating nuisance and blocked the national highway.

Learned counsel for the petitioners submits that there is no specific overt-act attributed against the petitioners. He further submits that the name of the petitioners have been surfaced in this case on the basis of suspicion as they are resident of the same village where the occurrence took place. He further submits that the allegation made against the petitioners are bailable except that of under Section 332 and 353 of the Indian Penal Code. He further submits that the allegation made against the petitioners is general and omnibus in nature. Learned counsel for the petitioners through supplementary affidavit submits that petitioner no. 2 and 5 do not bear any criminal antecedent but petitioner no. 1, 3 and 4 bear criminal antecedent of one case which is not similar to the present case.

The learned A.P.P. for the State opposes the prayer



for anticipatory bail of the petitioners.

Considering the facts and circumstances of the case, argument advanced on behalf of both sides and also taking into consideration the material available on record, the petitioners above-named, in the event of their arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Motihari in connection with Turkauliya (Banjariya) P.S. Case No.250 of 2023, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Alok Kumar Pandey, J)

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