

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46641 of 2023

Arising Out of PS. Case No.-374 Year-2023 Thana- TURKAULIYA District- East
Champaran

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Hari Shankar Sah, S/o Brahmdev Sah, R/o Village- Singhiya Sagar, Ward no.
3, P.S- Banjariya, Distt.- East Champaran.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s	:	Mrs. Rashmi Jha, Advocate Mr. Abhishek Kumar, Advocate
For the Opposite Party/s	:	Mr. Pramod Kumar Pandey, APP
For the Informant	:	Mr. Akshay Ashish, Advocate

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 31-07-2023 Heard learned counsel for the petitioner and
learned Additional Public Prosecutor for the State.

2. The accused/petitioner seeks bail in connection
with Turkauliya (Banjariya) P.S. Case No.374 of 2023 registered
for the offences punishable under Sections 147, 148, 149, 341,
342, 323, 324, 325, 307, 302, 427, 354-B, 504, 447 and 448 of
the Indian Penal Code.

3. The accused/petitioner is named in the FIR and is
in custody since 26.03.2023.

4. Allegation against the petitioner is to commit
murder of cousin brother of the informant along with 19 named
co-accused persons by stabbing him over his chest during the
course of occurrence, where occurrence arises out of outraging



modesty of sister of the informant.

5. It is submitted by learned counsel that occurrence appears free fight in nature for which, a counter case by petitioner's side was also lodged, which has been registered as Banjariya P.S. Case No.375 of 2023. It is submitted that no specific allegation as to cause fatal injury is attributed against this petitioner and allegation *qua* physical assault is appearing very much general and omnibus against this petitioner. It is also pointed out that only single knife blow injury noticed upon deceased cousin brother of informant while conducting postmortem negating allegation *prima facie* that assault as alleged was caused by 19 named co-accused persons including this petitioner. While concluding argument, it is submitted that petitioner is a man of clean antecedent and moreover investigation of this case is completed, for which, charge-sheet has been submitted and, as such, there is no chance of tampering with the evidence.

6. Learned APP duly assisted by Mr. Akshay Ashish, learned counsel for the informant, while opposing the prayer of bail, submitted that petitioner actively participated in occurrence causing death of cousin brother of the informant.

7. In view of above-mentioned facts and



circumstances and by taking note of fact as allegation *qua* physical assault causing death of cousin brother of informant is appearing very much general and omnibus against this petitioner, where counter case of the occurrence is also available, coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 26.03.2023, accordingly, the petitioner, above-named, is directed to be released on bail furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) 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 (Banjariya) P.S. Case No.374 of 2023, subject to the conditions as laid down under Section 437(3) of the CrPC.

(Chandra Shekhar Jha, J.)

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