

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46762 of 2023

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

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1. Narad Kumar @ Narad Sah, S/o Hari Shankar Sah,
 2. Rahul Kumar, S/o Hari Shankar Sah
- Both are R/o Village-Singhiya Sagar Ward No. 3, P.S.- Banjariya, Dist.-East
Champaran

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners	:	Mrs. Rashmi Jha, Advocate Mr. Abhishek Kumar, Advocate
For the State	:	Mr. Navin Kumar Pandey, APP
For the Informant	:	Mr. Akshay Ashish, Advocate

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 31-07-2023 Heard learned counsel for the petitioners, learned

Additional Public Prosecutor for the State and learned counsel

appearing on behalf of the informant.

2. The accused/petitioners seek 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/petitioners are named in the FIR and

are in custody since 26.03.2023.

4. Allegation against the petitioners 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 petitioners' 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 these petitioners and allegation *qua* physical assault is appearing very much general and omnibus against these petitioners. It is also pointed out that only single knife blow injury was 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 these petitioners. While concluding argument, it is submitted that petitioners are men 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 petitioners 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 these petitioners, where counter case of the occurrence is also available, coupled with the fact that charge-sheet has already submitted, where petitioners are in custody since 26.03.2023, accordingly, the petitioners, above-named, are 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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