

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54270 of 2023

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

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1. VINAY SAH S/O HARI SHANKAR SAH R/O Village- Singhiya Sagar, Ward no. 3, P.S- Banjariya, Distt.- East Champaran.
 2. Shyamjivan Sah S/O Sathu Sah R/O Village- Singhiya Sagar, Ward no. 3, P.S- Banjariya, Distt.- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Ms. Reshmi Jha, Advocate
For the Opposite Party/s	:	Mr.Ramchandra Sahni, APP
For the informant	:	Mr. Ajay Kumar Sinha, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 24-08-2023 Heard the parties.

2. The petitioners are in judicial custody in connection with Turkauliya (Banjariya) P.S. Case No. 374 of 2023 instituted under Sections 147, 148, 149, 341, 342, 323, 324, 325, 307, 302, 427, 354-B, 504, 447 and 448 of the Indian Penal Code lodged on 26.03.2023 by the informant, Sandeep Kumar.

3. As per the prosecution story, three accused persons, Narad Kumar, Raj Kumar Sah and Vinay Sah had earlier outraged the modesty of the lady, Nisha Devi, while she was bathing. When the protest was made, accused armed variously assaulted her husband and gave knife blow in his chest resulting into immediate death on the spot. Accordingly, the F.I.R.



4. Learned counsel for the petitioners submit that there is general and omnibus allegation against all the accused persons of assault, these two petitioners do not have criminal antecedent. The further submission is that similarly situated accused persons, namely, co-accused Narad Kumar and others have been granted bail by Coordinate Benches of this Court vide order dated 31.07.2023 passed in Cr. Misc. No.46762 of 2023 and Cr. Misc. No. 46641 of 2023 respectively and the last submission is that petitioners are in judicial custody since 26.03.2023 (paragraph 12 of the bail petition).

5. Learned counsel for the State as well as learned counsel for the informant on the other hand opposes the prayer stating therein that firstly they outraged the modesty of the deceased wife and upon protest, they assaulted causing immediate death of the husband.

6. Though the crime is heinous, firstly they outraged the modesty of the women and when the same was protested by her husband, they pierced knife in the heart causing his immediate death. However, since omnibus allegation has been made against accused persons, it cannot be ascertained that who gave the fatal blow and in that background, considering the fact that the other similarly placed co-accused, as stated above,



have been granted bail and the petitioners are in custody since 26.03.2023 and they do not have criminal antecedent, this Court is inclined to grant them privilege of bail

7. Let both the petitioners be released on bail on furnishing bail bond of Rs. 10,000/-(Rupees Ten Thousand) each with two sureties of the like amount each in connection with Turkauliya (Banjariya) P.S. Case No. 374 of 2023, to the satisfaction of learned Chief Judicial Magistrate, East Champaran at Motihari, subject to following conditions:

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

(ii) the petitioners 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 their bail bond by the Trial court itself,

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

(iv) the petitioners 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 their bail bonds;

(v) the petitioners shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

(Rajiv Roy, J)

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