

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50874 of 2023

Arising Out of PS. Case No.-449 Year-2022 Thana- TURKAULIYA District- East
Champaran

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1. Mishri Ram S/O Gopi Ram R/O Village- Jhakhiya Pakariya Tola, Ps. Banjaria, Distt. East Champaran
 2. Chanda Devi W/O Mishri Ram R/O Village- Jhakhiya Pakariya Tola, Ps. Banjaria, Distt. East Champaran
 3. Pushpa Devi @ Pushpa Kumari D/O Mishri Ram R/O Village- Jhakhiya Pakariya Tola, Ps. Banjaria, Distt. East Champaran
 4. Khusbhoo Kumari D/O Mishri Ram R/O Village- Jhakhiya Pakariya Tola, Ps. Banjaria, Distt. East Champaran

... .. Petitioners

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr. Sanjay Kumar, Advocate
For the Opposite Party : Mr. Madhura Nand Jha, A.P.P.

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 19-08-2023 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners apprehend arrest in connection with
Turkauliya (Banjariya) P.S. Case No. 449 of 2022 dated
18.05.2022, instituted for the offence punishable under Sections
341, 323, 324, 313 and 504/34 of the Indian Penal Code.

3. The case of prosecution, in short, on 05.05.2022 at
about 08:00 P.M., the petitioner No. 1 came to the door of the
informant and started abusing and when the informant objected
him, he called his family members. It is alleged that all the



accused persons assaulted the informant, his wife and his daughter-in-law and caused grievous injuries.

4. Learned counsel for the petitioners submits that the petitioners are innocent and they have falsely been implicated in this case. It is submitted that the petitioners are next door neighbours, petitioner Nos. 1 and 2 are husband and wife and petitioner Nos. 3 and 4 are daughters of petitioner Nos. 1 and 2. It is further submitted that the case was lodged after five days and as per the allegation levelled in the F.I.R., the date of occurrence is mentioned as 05.05.2022 and the F.I.R. was lodged on 10.05.2022 whereas the F.I.R. was registered on 18.05.2022. It is further submitted that there is no explanation about the delay in lodging the F.I.R. against the petitioners. On perusal of the order of learned Sessions Judge, it appears that there is no mention about the injury. Further it is submitted that the informant and petitioners have filed a compromise before the concerned Court. Lastly, it has been submitted that they have no case against them.

5. Learned A.P.P. has opposed the prayer for bail of the petitioners.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in



the event of arrest / surrender of the petitioners within a period of six weeks from today, in connection with Turkauliya (Banjaria) P.S. Case No. 449 of 2022, he/they shall be released on anticipatory bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, East Champaran at Motihari, subject to condition as laid down under Section 438(2) of the Cr.P.C.

(Khatim Reza, J)

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