

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58170 of 2023

Arising Out of PS. Case No.-246 Year-2015 Thana- TURKAULIYA District- East
Champaran

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1. SHYAM BABU @ SHYAM BABU CHAUDHARY SON OF MOHAN CHAUDHARY @ MOHAN SAHNI R/O-RAGHUNATHPUR, P.S.-TURKAULIYA, DISTT.-EAST CHAMPARAN
 2. RAM BABU @ RAMBABU SAHNI SON OF MOHAN SAHNI @ MOHAN CHAUDHARY R/O-RAGHUNATHPUR, P.S.-TURKAULIYA, DISTT.-EAST CHAMPARAN
 3. SUNIL SAHNI SON OF SURENDRA SAHANI R/O-RAGHUNATHPUR, P.S.-TURKAULIYA, DISTT.-EAST CHAMPARAN

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Prateek Tandon

For the Opposite Party/s : Mr.Lalan Kumar

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

- 2 22-09-2023 1. Heard learned counsel for the petitioners and learned A.P.P. for the State.
2. The petitioners are apprehending their arrest in connection with Turkaulia P.S. Case No. 246 of 2015, A.B.P. No. 1692 of 2023 registered for the offences punishable under Sections 344, 323, 324, 326, 504, 506 and 307 of the IPC.
3. As per prosecution case, there is allegation against petitioner no. 1 and 2 that they induced the son of the informant and his friend to accompany with petitioner no. 3 to Kerala where the informant's son will be provided job at Rs.



10,000/- per month. It is further alleged that accused persons compelled the son of the informant and his friend to do heavy work due to which health of the informant's son started deteriorating and when they refused to do so, accused persons assaulted them. It is further alleged that one day prior to Holi Festival, when son of the informant refused to do work due to his bad health, petitioner no. 3 ordered other accused persons to assault them and on the said order the accused persons brutally assaulted them. It is further alleged that co-accused Chabila Sahani heated knife and spotted on the body of son of the informant but anyhow son of informant managed to escape from there and reached home.

4. Learned counsel submits that there is no specific overt-act attributed against the present petitioners to assault the informant's son. Petitioners have nothing to do with the alleged occurrence. He further submits that except Section 326 all sections are bailable in nature and so far as Section 326 is concerned the specific over-act of assaulting is attributed against the co-accused Chabila Sahani. He further submits that petitioners and informant are co-villagers and on account of village rivalry petitioners' name have been implicated in the present case. Learned counsel submits that petitioner no. 1 and 3



bear criminal antecedent of three and two cases respectively in which they are on bail and petitioner no. 2 bears no criminal antecedent.

5. The learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

6. 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 C.J.M. Motihari, East Champaran in connection with Turkaulia P.S. Case No. 246 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Alok Kumar Pandey, J)

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