

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57885 of 2022

Arising Out of PS. Case No.-941 Year-2021 Thana- TURKAULIYA District- East
Champaran

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1. AKHILESH KUMAR @ AKHILESH SAH Son of Ram Bilas Sah Resident of Village - Fulwar, P.S.- Banjariya, District - East Champaran
 2. Muklesh Sah @ Mukulesh Sah Son of Ram Bilas Sah Resident of Village - Fulwar, P.S.- Banjariya, District - East Champaran
 3. Santosh Sah Son of Sita Ram Sah Resident of Village - Fulwar, P.S.- Banjariya, District - East Champaran
 4. Sadhu Sah Son of Hari Shankar Sah Resident of Village - Fulwar, P.S.- Banjariya, District - East Champaran
 5. Sita Ram Sah Son of Sone Lal Sah Resident of Village - Fulwar, P.S.- Banjariya, District - East Champaran
 6. Amir Lal Sah @ Amiri Lal Sah Son of Late Manje Lal Sah Resident of Village - Fulwar, P.S.- Banjariya, District - East Champaran
 7. Munna Kumar Sah @ Munna Sah Son of Sita Ram Sah Resident of Village - Fulwar, P.S.- Banjariya, District - East Champaran
 8. Arvind Sah Son of Prakash Sah Resident of Village - Fulwar, P.S.- Banjariya, District - East Champaran
 9. Ram Bilas Sah Son of Late Manje Lal Sah Resident of Village - Fulwar, P.S.- Banjariya, District - East Champaran
 10. Dharmendra Sah Son of Hari Shankar Sah Resident of Village - Fulwar, P.S.- Banjariya, District - East Champaran

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kundan Rathore@ Kundan Kumar, Adv
For the Opposite Party/s : Mr.Murli Dhar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 03-02-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner apprehends his arrest in connection
with Turkauliya (Banjariya) P.S. Case No. 941 of 2021 for the



offence registered under sections 147, 148, 149, 323, 324, 325, 448, 307, 504, 506 of the Indian Penal Code and section 27 of the Arms Act.

Learned counsel for the petitioner submits that so far as petitioner no. 5 namely, Sita Ram Sah and petitioner no. 9 namely Ram Bilas Sah have been arrested and as such this application against them is now become dismissed as not placed.

As per the prosecution story, the accused persons forming unlawful assembly caught hold of the informant and on the order of the petitioner no. 1 Akhilesh Kumar, the allegation is that Amir Lal Sah and Munna Sah inflicted injuries upon the informant side. The further allegation of firing is also against the petitioner no. 1 Akhilesh Sah which however did not hit the informant side. Accordingly, FIR has been lodged.

Learned counsel for the petitioner submits that the allegation is against Amir Lal Sah and Munna Sah of inflicting injuries upon the informant side.

Learned APP opposes the prayer for bail of the petitioner.

Considering the fact that the not only the petitioner no. 1 Akhilesh Sah was an order giver, subsequent



allegation against him is that opening fire, in that back ground, no relief can be extended to him and the anticipatory bail stands rejected.

So far as petitioner no. 1 namely, Akhilesh Kumar petitioner no 2 , namely Muklesh Sah, petitioner 3 namely, Santosh Sah, petitioner no. 4 namely, Sadhu Sah, petitioner no. 6 namely, Amir Lal, petitioner no. 7 namely, Munna Kumar Sah, petitioner no. 8 Arvind Sah, petitioner no. 10. namely, Dharmendra Sah are concerned, omnibus allegation have been made against them. They will co-operate in the investigation and ultimately face the trial, this court is inclined to extend him privilege of anticipatory bail with conditions.

Let the petitioner be released on bail, in the event of his arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Motihari in connection with Turkauliya (Banjariya) P.S. Case No. 941 of 2021, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(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 co-operate in the investigation and make himself available to the police as and when required;

(iii) 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.

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

(v) 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 the bail bonds;

(vi) 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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