

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59903 of 2023

Arising Out of PS. Case No.-681 Year-2023 Thana- TURKAULIYA District- East
Champaran

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1. Jiyaul Haque @ Jyayaul Haque S/O Late Umar Ali R/O Village- Mohammadpur, Ps. Banjariya, Dist. East Champaran
 2. Jakaullah S/O Late Umar Ali R/O Village- Mohammadpur, Ps. Banjariya, Dist. East Champaran
 3. Wajir @ Jaggu S/O Shekh Khairati R/O Village- Mohammadpur, Ps. Banjariya, Dist. East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Singh, Advocate
For the Opposite Party/s : Mr.Chandra Sen Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 27-09-2023 Learned counsel for the petitioners is permitted to remove the defect(s), as pointed out by the office, if any, within a period of three weeks from today.

2. Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

3. The petitioners are apprehending their arrest in connection with Turkauliya (Banjariya) P.S. Case No. 681 of 2023 dated 13.06.2023 registered for the offence punishable under Sections 341, 323, 325, 307, 354, 504 and 506 of the Indian Penal Code.

4. As per the prosecution case, the petitioner and the



co-accused persons entered the informant's house forcibly and started abusing. On being objected, all the accused persons started assaulting with iron rod. The petitioner Jiyaul Haque and Wajir started assaulting the informant's father with iron-rod with intent to kill causing injuries on her chest, hand and shoulder. They also started assaulting wife of the informant after catching hold of her hair due to which her clothes were torn.

5. Learned counsel for the petitioners has submitted that the petitioners have falsely been implicated in this case. Learned counsel has further submitted that as per the impugned order the Public Prosecutor has failed to produce injury report of the injured and also submitted that the injured sustained injuries on non-vital part of the body. There is case and counter case between both the parties. The petitioners have no criminal antecedent as stated in para 3 of the bail petition.

6. Learned A.P.P. for the State has vehemently opposed the prayer of anticipatory bail of the petitioners.

7. Considering the aforesaid facts and circumstances of the case, let the above named petitioners, in the event of their arrest/surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail-bond of Rs. 20,000/- (Rupees Twenty thousand) each with two sureties of



the like amount each to the satisfaction of learned Court concerned, Motihari, East Champaran in connection with Turkauliya (Banjariya) P.S. Case No. 681 of 2023, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

8. This application stands allowed.

(Chandra Prakash Singh, J)

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