

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73167 of 2022

Arising Out of PS. Case No.-269 Year-2022 Thana- TURKAULIYA District- East
Champaran

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1. SUKUL SAH @ SUKUL Son of Late Satyanarayan Sah R/v- Baswaria Tola,
P.S.- Turkauliya, District- East Champaran
 2. RAMBABU KUMAR Son of Nageshwar Sah R/v- Baswaria Tola, P.S.-
Turkauliya, District- East Champaran
 3. RANJEET KUMAR Son of Sukul Sah R/v- Baswaria Tola, P.S.- Turkauliya,
District- East Champaran
 4. JITENDRA PRASAD @ JITENDRA SAH Son of Nageshwar Sah R/v-
Baswaria Tola, P.S.- Turkauliya, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Karandeep Kumar, Advocate

For the Opposite Party/s : Mr.Bhanu Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 29-04-2023 Heard the learned counsel for the petitioners and the
learned A.P.P. for the State.

This is an application for grant of anticipatory bail
in connection with Turkauliya PS case no. 269 of 2022, registered
for the offences punishable under Sections 147, 341, 323, 307,
379, 406, 506, 120(B) of the Indian Penal Code.

At the outset, the learned counsel for the petitioners
submits that petitioner no. 2 has been arrested during the
interregnum period, hence the present petition *qua* the petitioner
no. 2 has been rendered infructuous.



Accordingly, the present petition stands dismissed as not pressed *qua* the petitioner no. 2.

The allegation is regarding the accused persons having arrived at the house of the informant, whereafter they had assaulted the informant and his family members. As far as petitioner no. 1 is concerned, he is alleged to have assaulted Nirmala Devi and as far as petitioners no. 2 and 3 are concerned, they are stated to have assaulted one Sunita Devi and petitioner no. 4 is stated to have snatched a sum of Rs. 10,000/- from the informant.

The learned counsel for the petitioners submits that petitioners are innocent, have been falsely implicated in the present case and are having a clean antecedent. The learned counsel for the petitioners has further submitted that as far as petitioner no. 1 is concerned, he is alleged to have assaulted Nirmala Devi and a bare perusal of her injury report, annexed as Annexure 3 to the present petition, would show that no external injury has been found by the doctor and as far as the other injured person namely Sunita Devi is concerned, her ultrasound was conducted and no injury has been found, as has also been verified by the learned trial court.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.



Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record as also considering the fact that no serious injuries have been sustained either by the informant or by the injured person namely Sunita Devi, I deem it fit and appropriate to admit the petitioners no. 1, 3 and 4 to the privilege of anticipatory bail, however, subject to verification of the aforesaid fact to the effect that upon conduct of ultrasound of Sunita Devi, no injury has been found.

Accordingly, petitioners no. 1, 3 and 4, in the event of their arrest or surrender before the court below within a period of six weeks from the date of receipt/ production of a copy of this order, are directed to be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) each with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, East Champaran at Motihari in connection with Turkauliya PS case no. 269 of 2022, subject to the conditions as laid down under Section 438(2) of Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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