

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.421 of 2023

Arising Out of PS. Case No.-468 Year-2022 Thana- BARHARA District- Bhojpur

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1. KANHAIYA TURHA @ KANHAIYA TURAHA SON OF BAIJNATH TURHA R/O VILL.- FARHADA, P.S.- BARHARA (SINHA O.P.), DISTT.- BHOJPUR
 2. MUSHA TURHA @ MUSHA TURAHA SON OF BAIJNATH TURHA R/O VILL.- FARHADA, P.S.- BARHARA (SINHA O.P.), DISTT.- BHOJPUR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Alka Singh, Adv.

For the Opposite Party/s : Mr. Ram Sumiran Rai, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 19-04-2023 Heard learned counsel for the petitioners and the learned A.P.P. for the State.

The petitioners seek bail in connection with Barhara (Sinha O.P.) P.S. Case No. 468 of 2022 registered for the offence under Sections 147, 323, 341, 307 and 468 of the Indian Penal Code and later on 302 of the Indian Penal Code.

The petitioner along with others are alleged to have assaulted the informant with bricks on his head due to which he sustained injury and admitted to the hospital for treatment.

Learned counsel appearing for the petitioners



submits that the petitioners are innocent and have falsely been implicated in this case. He further submits that it appears from the F.I.R. that the specific allegation of assault by bricks over the head of the informant is attributed to the father of the petitioners and there is general and omnibus allegation levelled against these petitioners. They have not assaulted the informant in any manner. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioners. The petitioners are rotting in judicial custody since 26.07.2022.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that the petitioners carries one more case other than the present one.

Considering the facts and circumstances of the case, let the, above named, petitioners be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Ara (Bhojpur) in connection with Barhara (Sinha O.P.) P.S. Case No. 468 of 2022 with the following conditions:-

(1) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the



Court and shall remain physically present as directed by the Court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be canceled by the Court below.

(2) If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

And, further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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