

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1125 of 2023

Arising Out of PS. Case No.-908 Year-2022 Thana- TURKAULIYA District- East
Champaran

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1. Raj Kumar Sah S/o Late Prabhu Sah Resident Of Village- Shankar Saraiya Kaswa Tola, P.S.- Turkauliya, Distt- East Champaran.
 2. Prabhawati Kunwar W/o Late Prabhu Sah Resident Of Village- Shankar Saraiya Kaswa Tola, P.S.- Turkauliya, Distt- East Champaran.
 3. Soni Kumari D/o Late Prabhu Sah Resident Of Village- Shankar Saraiya Kaswa Tola, P.S.- Turkauliya, Distt- East Champaran.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Ms. Rashmi Jha, Advocate

For the Opposite Party/s : Mr. Sunil Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 15-05-2023 Learned counsel for the petitioners is permitted to
make corrections in paragraph '3' of the application.

Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners in the present case are seeking pre-
arrest bail in connection with Turkauliya P.S. Case No. 908 of
2022, registered for the offences punishable under Sections 147,
341, 323, 353, 427 of the Indian Penal Code. Petitioner No. 1
has got one criminal antecedent and petitioner nos. 2 and 3 have
got no criminal antecedent.

As per the prosecution story, on 18.09.2022 after
arresting the accused of Turkauliya P.S. Case No. 240 of 2017,



namely, Belash Sah the police personnel kept the arrested accused in police vehicle, in the meantime, all the FIR named accused persons including these petitioners started scuffling with the police force, tried to rescue the arrested accused and started pelting stone on the police. It is also alleged that the accused persons damaged the police vehicle and some police personnel also sustained injuries.

Learned counsel for the petitioners submit that the petitioners are innocent and have falsely been implicated in this case. It is submitted that there is no specific allegation against the petitioners and there is no injury reported in the injury report.

Learned APP for the State has opposed the prayer for anticipatory bail of the petitioners.

Having regard to the facts and circumstances of the case, there being no specific allegation against the petitioner though he has been named among the 10 accused, no injury has been reported as stated in paragraph '9' of the application and that petitioner no. 1 is on bail in the only case stated in paragraph '3', the other petitioners have no criminal antecedent, in the circumstances, this Court directs release of the petitioners above named on bail in the event of their arrest or surrender



within a period of four weeks from today in connection with Turkauliya P.S. Case No. 908 of 2022 on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Motihari, East Champaran, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

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.

This application stands allowed.

(Rajeev Ranjan Prasad, J)

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