

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47881 of 2024

Arising Out of PS. Case No.-351 Year-2017 Thana- TURKAULIYA District- East
Champaran

-
1. Kabutar Kumari @ Kavita Kumari D/o Babu Lal Sah
 2. Manjeet Kumar S/o Babulal Sah
 3. Rohit Kumar S/o Babulal Sah
 4. Suraj Kumar S/o Late Birnan Sah.
 5. Ranju Kumari D/o Late Birnan Sah.
- All are R/o Village-Belwa Mahanwa, P.S.- Turkauliya, District-east
Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Sunil Kumar No.III, Advocate
For the Opposite Party/s	:	Mr.Pawan Kumar Chaurasia, APP
For the Informant	:	Mr. Shashank Shekhar, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 07-08-2024 Heard Mr.Sunil Kumar No.III, learned counsel for the petitioners, Mr. Shashank Shekhar, learned counsel for the informant and Mr.Pawan Kumar Chaurasia, learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with S.Trial No.2595 of 2023 arising out of Turkauliya P.S.Case No. 351 of 2017, FIR dated 17.06.2017 registered for the offences punishable under Sections 147,148,149,341,323,504,506 and 302 of the Indian Penal Code.

3. The prosecution case, in brief, is that there is



allegation in the F.I.R. that on 17-06-2017 at about 05:30 PM the wife of informant was scolding her daughter, namely, Rupa Kumari, in the meantime, accused Ramwau Devi came and started abusing the wife and daughter of informant and when the wife of informant objected, all the F.I.R. named accused persons including the petitioners-accused holding lathi, danda, farsa iron-rod came and started assaulting wife and daughter of informant. When informant and his son came to save them, all the accused persons also assaulted them, due to which they sustained injuries. Due to the injuries caused by the accused persons, the daughter of informant, namely, Rupa Kumari died at spot.

4. Learned counsel for the petitioners submits that petitioner Nos.1 to 4 carry one more case other than the present one and they are on bail in the pending matters. Petitioner No.5 has clean antecedent. They have falsely been implicated in the present case. Further submits that from a bare perusal of the FIR it appears that there is no specific allegation of any assault or overt-act attributed against the petitioners rather there is general and omnibus allegation against all the accused persons including the petitioners and the police, after investigation, submitted final form in favour of the petitioners on 30.04.2018 but the learned court below in a mechanical manner has taken cognizance



against the petitioners vide order dated 26.08.2023.

5. Learned counsel for the informant and learned A.P.P. for the State, on the other hand, have vehemently opposed the prayer for anticipatory bail of the petitioners and submits that the present anticipatory bail petition is not maintainable in view of the fact that 82 process has been issued by the learned court below vide order dated 01.08.2024 but it appears that before that, the petitioners have moved before this Court as well as before the learned Trial Court.

6. Considering the aforesaid facts, let the petitioners, above named, in the event of their arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, 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, Motihari, East Champaran in connection with S.Trial No.2595 of 2023 arising out of Turkauliya P.S. Case No. 351 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

(I) 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 bonds shall be cancelled by the Court below.

(II) 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.

(III) 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 antecedents, 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)

Nitesh/-

U		T	
---	--	---	--

