

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78515 of 2023

Arising Out of PS. Case No.-866 Year-2023 Thana- TURKAULIYA District- East
Champaran

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1. KAMESHWAR DUBEY SON OF RITLAL DUBEY R/O VILLAGE-PHULWAR CHITAHA, P.S.- BANJARIYA, DISTRICT- EAST CHAMPARAN, PIN CODE 845431
 2. TRIPURAI DUBEY SON OF RITLAL DUBEY R/O VILLAGE-PHULWAR CHITAHA, P.S.- BANJARIYA, DISTRICT- EAST CHAMPARAN, PIN CODE 845431
 3. PRAMOD DUBEY SON OF JWALA DUBEY R/O VILLAGE- PHULWAR CHITAHA, P.S.- BANJARIYA, DISTRICT- EAST CHAMPARAN, PIN CODE 845431

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shyam Sundar Kumar, Advocate
For the Opposite Party/s : Ms.Rina Sinha, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 10-01-2024 1. Heard learned Counsel for the petitioners and learned APP for the State.
2. At the outset, learned counsel for the petitioners seeks permission to withdraw this application *qua* petitioner no. 3.
3. Permission so sought, is granted.
4. The present application stands dismissed as withdrawn *qua* petitioner no. 3.
5. This application, for grant of anticipatory bail, arises out of Turkauliya (Banjariya) PS case no. 866 of 2023,



disclosing offences punishable under Section 307 and other allied sections of the Indian Penal Code.

6. The prosecution story, as per the first information report, is that on 05.08.2023, 14 accused persons surrounded the daughter of the informant and started beating her. It is further alleged that petitioner no. 1 abused the informant and others and petitioner no. 2 assaulted the informant by means of fists on her back.

7. Learned Counsel for the petitioners submits that there is land dispute between the parties and the only allegation against petitioner no. 1 is that he abused the informant and the allegation against petitioner no. 2 is that he assaulted the informant by means of fists. It is further submitted that allegation of outraging the modesty of the daughter of the informant is not upon the petitioner but the same is upon the co-accused namely Shivam Dubey. It is also submitted that injury sustained by the informant is simple in nature.

8. Regard being had to the submissions made on behalf of the parties and taking into consideration the fact that injury caused to the informant is simple, I am inclined to grant the privilege of anticipatory bail to petitioners no. 1 and 2.

9. This application is, accordingly, allowed.



10. Let petitioners no. 1 and 2, abovenamed, in the event of their arrest or surrender before the Court below within six weeks, 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 Judicial Magistrate-1st class, Motihari, East Champaran in connection with Turkauliya (Banjariya) PS case no. 866 of 2023, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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