

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83634 of 2024

Arising Out of PS. Case No.-243 Year-2024 Thana- TURKAULIYA District- East
Champaran

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1. Lalan Rai @ Lalan Prasad Yadav, Son of Late Bijali Rai @ Girija Rai Resident of Village - Amawa, P.S. - Turkauliya, District - East Champaran
 2. Vikki Kumar @ Vicki Kumar, Son of Lalan Rai @ Lalan Prasad Yadav Resident of Village - Amawa, P.S. - Turkauliya, District - East Champaran
 3. Amar Kumar @ Aman Kumar, Son of Kamlesh Kumar Yadav @ Kamlesh Rai @ Kamlesh Kumar Resident of Village - Amawa, P.S. - Turkauliya, District - East Champaran
 4. Kamlesh Rai @ Kamlesh Kumar @ Kamlesh Kumar Yadav, Son of Late Gajadhar Rai Resident of Village - Amawa, P.S. - Turkauliya, District - East Champaran
 5. Umashankar Yadav @ Uma Yadav, Son of Girija Rai @ Bijali Rai Resident of Village - Amawa, P.S. - Turkauliya, District - East Champaran
 6. Rahul Kumar, Son of Late Jawahir Rai Resident of Village - Amawa, P.S. - Turkauliya, District - East Champaran
 7. Ujjawal Kumar, Son of Laln Rai Resident of Village - Amawa, P.S. - Turkauliya, District - East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Anil Kumar Singh No. 1., APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 11-12-2024 Heard Mr. Rahul Singh, learned counsel for the

petitioners and Mr. Anil Kumar Singh No. 1, learned APP for

the State.

2. The petitioners apprehend their arrest in

connection with Turkauliya P.S. Case No. 243/2024 dated

01.05.2024 registered for the offences punishable under



Sections 147, 447, 341, 323, 324, 325, 307, 379, 504, 506 and 354B of the Indian Penal Code and Sections 3 and 4 of the Prevention of Witch (Daain) Practices Act.

3. The main submissions advanced by learned counsel appearing for the petitioners are that all the petitioners are innocent, in the instant matter three persons, namely, Phool Kumari, Chitranjan Kumar and Rishidev Rai are said to have been assaulted by the petitioners and co-accused persons and their injury reports have also been filed with this petition as Annexure – 3 series, though as per these injury reports, they sustained several injuries but in fact the said injury reports are completely manufactured and not believable as the same has been issued by a private hospital namely, Dr. Rahman Memorial Hospital, Motihari where the informant's son, namely, Ranjeet Kumar is working as a staff and at his instance, the injury reports have been fabricated. It is further submitted that the alleged incident is said to have taken place on 26.04.2024 and according to the FIR, the injured persons were immediately rushed to the said private hospital and their treatment started immediately but even then no action was taken by the concerned hospital as well as the informant to inform the nearest police station, which is situated 100 meters away from the said hospital



and an inordinate delay of five days took place in lodging the FIR which is based on a written application. In fact prior to the alleged incident, Krishna Devi had filed a Complaint Case No. 230/2024 against the informant's husband and others and in retaliation, the FIR of the present matter was registered with fabricated injury reports and in between both the parties, there is a land dispute and all the petitioners have fair and clean antecedent.

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

5. Considering the above submissions and mainly the inordinate delay of five days having taken place on the part of the informant in lodging the FIR of the present matter, and also, the factum of not giving information by the concerned private hospital regarding the alleged assault despite three persons being brought in injured condition at the said hospital who were admitted as patients of assault and further taking into account that in the said hospital, the informant's son, namely, Ranjeet Kumar was working as a staff and in this regard, specific statement has been made in the paragraph No. '13' of this petition, in my opinion, in the said circumstances, all the petitioners deserve to the privilege of anticipatory bail.



Accordingly, let the petitioners named-above, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) each with two sureties of the like amount each to the satisfaction of the Court concerned in connection with Turkauliya P.S. Case No. 243/2024, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Shailendra Singh, J)

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