

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1745 of 2025

Arising Out of PS. Case No.-230 Year-2024 Thana- BAGHA District- West Champaran

- 1 . Madan Turaha @ Madan Prasad Son of Paras Prasad Resident of Village - Malpurva, Ratanmala, Ward No. 34, P.S. - Bagaha, District - West Champaran
2. Parshuram Turaha @ Parshuram Sah Son of Madan Sah Resident of Village - Chandiasathan, P.S. - Bagaha, District - West Champaran, (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Suresh Prasad Sharma, Advocate
For the Opposite Party/s : Mr. Nand Kishore Prasad , APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 11-02-2025 Heard learned counsel for the petitioner and the State .

2. Petitioner apprehends arrest in a case registered for the offence punishable under sections 126(2), 115 (2), 117 (2) , 109 (1) , 303 (2), 76, 352, 351 (2), 3(5) of BNS.

3 . As per the prosecution case , on 23.09.2024 at about 9.00 PM one Madan Sah threw drainage water before the door of Kunj Bihari Kushwaha , on which his wife Sandhya Devi raised objection . Thereafter, all the F.I.R., named accused persons abused Sandhya Devi. It is further alleged that petitioner No. 1 Madan Turaha caught hold of Sandhya Devi and petitioner No. 2 Parsu Ram Turaha assaulted her by means



of farsa causing head injury . It is further alleged that all the accused persons pulled her on ground and petitioner No. 2 assaulted her by means of fats and fists and tore her clothes and when Kunj Bihari Kushwaha got information regarding the alleged assault of his wife Sandhya Devi, he went to the house of petitioner No. 1 Madan Turaha where petitioner No. 2 abused him and assaulted by means of iron rod causing head injury and one Rabadi Devi snatched Manal Sutra of Sandhya Devi.

4. Learned counsel for the petitioner submits that on the alleged date of occurrence, due to dispute over drainage, a quarrel took place between the parties in which both sides sustained injury. There is case and counter case between the parties. The case lodged by petitioners side is earlier in point of time. There is no allegation of assault against petitioner No. 1 Madan Turaha.

5 . However, learned counsel for the State opposed the bail petition and submitted that injury caused by petitioner No. 2 is grievous in nature.

6. Considering the fact that injury caused by petitioner No. 2 is found to be grievous in nature, prayer for pre – arrest bail is of petitioner No. 2 is rejected.



7. Considering the fact that there is no specific overt act alleged against petitioner No. 1 and other circumstances of the case , in the event of arrest or surrender within eight weeks from today, let the petitioner No. 1 , as named above, be enlarged on bail on furnishing bail bond of Rs.10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of the learned ACJM Ist Bagaha West Champaran in connection with Bagaha P.S. case No. 230 of 2024 subject to the conditions laid down under section 482 (2) of BNS 2023 .

(Prabhat Kumar Singh, J)

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