

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12863 of 2025

Arising Out of PS. Case No.-282 Year-2021 Thana- GUTHANI District- Siwan

Subhash Turha ,Son of Late Shivnath Sah @ Shivnath Turha @ Late Sheonath Turha, Resident of Village - West Guthani, P.S.- Guthani, District - Siwan 841435, Bihar. Petitioner

Versus

1. The State of Bihar
 2. Acchelal Turha S/o Late Ramanand Turha Resident of Village - Guthani, P.S.- Guthani, District - Siwan
- Opposite Parties

Appearance :

For the Petitioner/s : Mr. Prabhakar Singh, Advocate
For the Opposite Party/s : Mr. Anuj Kumar Shrivastava, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

8 05-08-2025 Heard learned senior counsel for the petitioner and learned Additional Public Prosecutor for the State.

2. The accused/petitioner seeks bail in connection with G.R. Case No.4601 of 2021 arising out of Guthani P.S. Case No.282 of 2021 registered for the offences punishable under Sections 147, 148 149, 341, 323, 376, 302, 504 and 506 of the Indian Penal Code.

3. The accused/petitioner is named in the FIR and is in custody since 22.12.2024.

4. As per FIR, the rape was committed upon the daughter of the informant on 04.11.2021 by accused person namely, Ashok Turha but, for said occurrence, no FIR was lodged and subsequently on next day i.e. on 05.04.2021, the



said co-accused Ashok Turha along with other accused persons including petitioner assaulted informant and his family members and taken away his son Anil Kumar Sah to some isolated place, where he was killed by administering poison.

5. It is submitted by learned counsel appearing for the petitioner that admittedly as per FIR, for first occurrence of rape no separate FIR was lodged and only for the subsequent occurrence, where the son of informant died after consuming poison, giving colour same as occurrence of murder, the present FIR was lodged. It is submitted that upon trial, co-accused Jitendra Turha and Ashok Turha were acquitted by the learned trial court and considering the same, co-accused Satyendra Turha was granted bail by one of the learned co-ordinate Bench of this Court through Cr. Misc. No.5426 of 2025 dated 12.05.2025. While concluding argument, it is submitted that investigation of this case is already completed and, therefore, no purpose of justice shall be served keeping the petitioner behind the bar, who is a man of clean antecedent.

6. Learned APP while opposing the prayer of bail could not disputed the aforesaid factual submissions.

7. In view of aforesaid factual submissions and by



taking note of fact as similarly situated co-accused Satyendra Turha has already granted bail by one of the learned co-ordinate Bench of this Court as discussed above, accordingly, by taking note of judicial parity, coupled with the fact that investigation of this case is already completed, where petitioner remained in custody since 22.12.2024, the petitioner, above-named, is directed to be released on bail furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Court of POCSO, Siwan in connection with G.R. Case No.4601 of 2021 arising out of Guthani P.S. Case No.282 of 2021, subject to the conditions as laid down under Section 437(3) of the Code of Criminal Procedure (for short ‘CrPC’)/under Section 480(3) of the Bhartiya Nagrik Suraksha Sanhita (for short ‘BNSS’).

(Chandra Shekhar Jha, J)

Sanjeet/-

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

