

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.88671 of 2024

Arising Out of PS. Case No.-293 Year-2024 Thana- TURKAULIYA District- East
Champaran

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1. Raja Babu @ Raja Babu Kumar S/o Lallan Sah
 2. Shiv Kumar @ Shiv @ Shiv Kumar Sah S/o Lallan Sah
 3. Shrikant Sah @ Srikant Sah S/o Mandirka Sah
 4. Muskan Devi W/o Srikant Sah @ Shrikant Sah
- All are Resident of village- Asarfi Sah Tola, ward no. 9, P.S. - Turkauliya,
Distt.- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Karandeep Kumar, Advocate

For the Opposite Party/s : Mr.Humayou Ahmad Khan, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 08-01-2025 Heard Mr.Karandeep Kumar, learned counsel for
the petitioners and Mr.Humayou Ahmad Khan, learned
Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in
connection with Turkauliya P.S.Case No.293 of 2024, FIR
dated 18.06.2024 registered for the offences punishable under
Sections 341,323,447,504,324,354B,379,307/34 of the Indian
Penal Code.

3. Allegation against the petitioners is that they
assaulted the informant, her husband and other family members
with iron rod, stick and knife causing injuries to them.

4. Learned counsel for the petitioners submits that
petitioner Nos.1 and 2 carry one more case other than the



present one but they are on bail in the said case and petitioner Nos.3 and 4 have clean antecedent and they have falsely been implicated in the present case. It appears from the FIR itself that the petitioners are named in the FIR but from a bare perusal of the FIR it appears that there is specific allegation of assault attributed against co-accused person, namely, Dipak Sah and there is general and omnibus allegation against the petitioners.

5. Learned A.P.P. for the State, on the other hand, has vehemently opposed the prayer for anticipatory bail of the petitioners.

6. Considering the aforesaid facts, there is no specific allegation of any assault or overt-act attributed against the petitioners and there is specific allegation of assault attributed against co-accused person, namely, Dipak Sah, 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 Additional Chief Judicial Magistrate-06 East Champaran, Motihari in connection with Turkauliya P.S. Case No.293 of 2024, subject to the conditions as laid down under Section



438(2) of the Code of Criminal Procedure/Section 482(2) of BNSS, 2023 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)

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