

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.4007 of 2015

Arising Out of PS.Case No. -175 Year- 2014 Thana -NARHAT District- NAWADA

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1. Rooplal Chauhan, Son of Shree Harihar Chauhan.
2. Gago Chauhan @ Gango Chauhan, Son of Shree Parmeshwar Chauhan.
Both residents of village Sitamarhi, P.S. Sitamarhi, District Nawada.
.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Rajesh Ranjan Kumar

For the Opposite Party/s : Mr. Tapeswar Sharma(App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR

JHA

ORAL ORDER

2 29-01-2015

Heard both sides.

The petitioners apprehend their arrest in Narhat (Sitamarhi) P.S. Case No. 175 of 2014, registered for the offence punishable under Sections 147, 148, 436 and other Sections of the Indian Penal Code as well as Sections 3/4 of the Public Damage Act, 1984.

One Sanjeev Mauar, the Officer-in-Charge of Sitamarhi Police Station lodged the case that the petitioners and others after getting the information of death of Mithun Chauhan came to the police station. They ransacked the police station and also damaged the properties and set ablaze a police jeep.

Learned counsel for the petitioners submits that Mithun Chauhan and Muneshwar Chauhan were brutally assaulted and they were sent to hospital for treatment but Mithun Chauhan died. The villagers assembled at the police station. The falsity of the case appears

as even Muneshwar Chauhan, Sheonandan Chauhan and family members of Mithun Chauhan were made accused in the case. There is general and omnibus allegation. Some of the co-accused, namely, Muneshwar Prasad Chauhan @ Muneshwar Chauhan @ Bhuneshwar Chauhan and Lalu Chauhan have already been enlarged on anticipatory bail vide order passed in Cr. Misc. No. 1330 of 2015, on 13.01.2015. The case of the petitioners stands on the same footing.

Having considered the facts that no specific allegation is made against the petitioners and from the side of the petitioners, Mithun Chauhan died on account of assault made by the accused for which Narhat (Sitamarhi) P.S. Case No. 174 of 2014 was registered, petitioners Rooplal Chauhan and Gago Chauhan @ Gango Chauhan, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, are directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned S.D.J.M., Nawada in connection with Narhat (Sitamarhi) P.S. Case No. 175 of 2014, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

(Prabhat Kumar Jha, J.)

Sanjay/-

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