

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.21325 of 2015

Arising Out of PS.Case No. -158 Year- 2014 Thana -NARHAT District- NAWADA

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1. Sadhu Chauhan Son of Chauthi Chauhan
2. Sharwan Chauhan Son of Keshwar Chauhan
3. Tuni Chauhan Son of Ravindar Chauhan All residents of Village -
Raghunathpur Milki, P.S. - Sitamarhi, District - Nawada.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sudhir Kumar Sinha

For the Opposite Party/s : Mr. Anuj Kumar Srivastava (App)

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

2 19-08-2015 Heard learned counsel for the parties.

Having regard to the nature of allegation against the petitioners for the offences punishable under Sections-341, 323, 307, 504 and 34 of the Indian Penal Code, this Court taking into account that whatever has been alleged against the petitioners by way of assault on the injured, has not been found to be substantiated in the injury report and there is only one injury on the head ascribed against co-accused Bipin Chauhan, this Court though would not be inclined to grant the privilege of anticipatory bail to petitioner no. 3, keeping in view his



false statement in the bail petition in paragraph no. 3 of having no criminal antecedent though now learned counsel for the petitioner keeping in view of findings of learned Sessions Judge has now admitted that one criminal case is pending against petitioner no. 3, Tuni Chauhan.

That being so, the prayer for anticipatory bail of Tuni Chauhan, petitioner no. 3, is, accordingly, rejected.

If however petitioner no. 1, **Sadhu Chauhan** and petitioner no. 2, **Sharwan Chauhan**, who have no criminal antecedent, would surrender within a period of four weeks from today, they would 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 **Chief Judicial Magistrate, Nawada** in connection with **Narhat (Sitamarhi) P.S. Case No. 158 of 2014**, subject to the conditions laid down under Section- 438 (2) Cr. P.C and also subject to the following conditions:-



(i) That the court below shall make verification of criminal antecedent of the petitioner nos. 1 and 2 and if it is found that they too are accused in any other criminal case, they shall not be granted bail and would be taken into custody.

(ii) That both the bailors will be close relative of the petitioner nos. 1 and 2 who will give an affidavit giving genealogy as to how they are related with the petitioners. The bailors will also undertake to inform the Court if there is any change in the address of the petitioners.

(iii) That the bailors shall also state on affidavit that they will inform the Court concerned if the petitioner nos. 1 and 2 are implicated in any other case of similar nature after their release in the present case and thereafter the Court below will be at liberty to initiate the proceeding for cancellation of their bail on the ground of misuse.

(iv) That the petitioner nos. 1 and 2 will

give an undertaking that they will receive the police papers on the given date and be present on the date fixed for charge and if they fail to do so on two given dates and delay the trial in any manner, their bail will be liable to be cancelled for reasons of misuse.

(v) That the petitioner nos. 1 and 2 will be well represented on each and every date of trial and if they fail to do so on two consecutive dates, their bail will be liable to be cancelled on this ground alone.

(Mihir Kumar Jha, J)

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